

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 18284 of 2018**

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NATIONAL INSURANCE COMPANY

Versus

SUREKHABEN PRAVINBHAI PATIL & 5 other(s)

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Appearance:

MR DAKSHESH MEHTA(2430) for the Petitioner(s) No. 1

HCLS COMMITTEE(4998) for the Respondent(s) No. 1,2,3,4,6

MR SAURABH M PATEL(5019) for the Respondent(s) No. 2,3,4,6

MR VIRAL V DAVE(3846) for the Respondent(s) No. 1

NOTICE SERVED BY DS for the Respondent(s) No. 5

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 07/03/2023****ORAL ORDER**

1. Mr.Dakshesh Mehta, learned advocate for the petitioner submitted that this Court has passed an order dated 10.12.2019 whereby, the respondent nos.1 to 4 were directed to deposit 40% of the amount disbursed to them pursuant to the order dated 12.11.2016 passed in settlement decree by the Tribunal. It is submitted that since then, the respondent no.1 did not pay the amount and that, there was a non-compliance on the part of the respondent no.1. Taking serious note of the non-compliance on the part of the respondent no.1, this Court has passed an order dated 20.01.2023 to show cause as to why, proceedings for non-compliance of the orders be not taken against them under the provisions of the Contempt of Courts Act. It is submitted that the respondent no.1 was directed to remain personally present before the Court today.

2. On the other hand, Mr.Viral Dave, learned advocate for the respondent no.1, who is personally present in the Court, has

tendered an unconditional apology. It is submitted that the respondent no.1 is home maker and has no means to maintain livelihood and having three children, namely, respondent no.2, who is married; whereas, respondent nos.3 and 4 are studying, with a small income, by doing part time job. It is submitted that the income is not sufficient enough to deposit 40% of the amount upfront, as directed by this Court. It is urged that the respondents tender an unconditional apology for not depositing the amount and for which, necessary affidavit shall be filed. It is urged that the respondent no.1 shall deposit some amount at the end of March, 2023. For this limited purpose, request is made for an adjournment.

3. Request is acceded to. Let the matter appear on **14.03.2023** and the respondent no.1 shall remain personally present before the Court on the next date.

Hitesh

(SANGEETA K. VISHEN,J)