

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1479 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

B.P.VALSUR & 3 ORS

Versus

STATE OF GUJARAT & 1 ANR

Appearance:

1. Special Civil Application No. 1479 of 1993
MR PV HATHI for Petitioner No. 1-4
MS. MANISHA LAVKUMAR, AGP for Respondent No. 1-2
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CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 31/03/2003

ORAL JUDGEMENT

Heard Mr.P.V.Hathi, learned advocate appearing
for petitioners and Ms.Manisha Lavkumar, learned
Assistant Government Pleader appearing for the

respondents.

2) Mr.Hathi, learned advocate for the petitioners has submitted that pursuant to the interim order passed by this Court in Civil Revision Application No.108/1993 on 2nd March, 1993, all financial benefits were conferred on the petitioners. The said statement is further reinforced by the learned Assistant Government Pleader, stating that according to the instructions given to her all financial benefits were conferred on the petitioners. The Civil Revision Application No.108/1993 was subsequently disposed of on 9-3-1999, directing the trial court to hear Regular Civil Suit No.565/1990. In that suit, settlement was arrived at between the parties on 23-4-1999. Mr.Hathi, therefore, submitted that pursuant to the settlement petitioners may be allowed to make a representation to the respondent-authorities, to give benefits as per the said settlement and if such representation is made by the petitioners, the same would be considered in the light of the settlement arrived at between the parties. Ms.Manisha Lavkumar, learned AGP appearing for the respondents also submitted that the respondent-authorities would consider the representation, if so made by the petitioners.

3) In view of the above understanding arrived at between the parties, the petitioners are directed to make a representation within one month from today and on receipt of such representation from the petitioners, the respondent-authorities are directed to consider the same in view of the settlement arrived at between the parties in Regular Civil Suit No.565/1990 and confer the benefits in accordance therewith. The representation so made would be considered by the respondent-authorities within three months from the date of such representation made by the petitioners. No other issues, raised in the petition, are dealt with on merits.

4) With above observations, the petition is accordingly disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

(K.A.Puj, J.)

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