



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 8952 of 2024

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE DEVAN M. DESAI

Approved for Reporting	Yes	No

JAYMALBHAI ALIAS JEMALBHAI HIMLABHAI HATILA

Versus

RADHEKRISHNA PLASTIC INDUSTRIES & ANR.

Appearance:

MR. HEMAL SHAH(6960) for the Petitioner(s) No. 1

MR SUNIL B PARIKH(582) for the Respondent(s) No. 2

NOTICE SERVED BY DS for the Respondent(s) No. 1

CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI

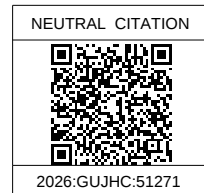
Date : 13/08/2026

JUDGMENT

1. The present petition is filed under Articles 226 and 227 of the Constitution of India, 1950 by the petitioner praying for the following reliefs:

(A) Your Lordships may be pleased to issue appropriate writ, order or direction to quash and set aside the order dated 03/10/2023 of the Ld. Labour Court, Rajkot and thereby allow the said application annexed at Annexure A of the present petition preferred in the matter Workman(NF) n.11/2016 by directing the Ld. Labour Court to pay the amount lying in the fixed deposit along with the accrued interest on the same to the present applicant via account payee cheque after due verification;

(B) Such other and further relief/s as may be deemed just and necessary in the facts and circumstances of the present case may kindly be granted.”



2. Heard learned advocate Mr. Hemal Shah for the petitioner and learned advocate Mr. Sunil Parikh for respondent No. 2. Though served, none appeared for respondent No. 1.

3. Learned advocate for the petitioner submitted that the compensation has been deposited by the Insurance Company and the same has been directed to be invested in a Fixed Deposit. It is submitted that the petitioner is in need of money and, therefore, a request is made to permit premature withdrawal of the amount lying in the Fixed Deposit. The petitioner, therefore, prays for a direction to the learned Labour Court to disburse the amount lying in the Fixed Deposit along with the interest accrued thereon. Except above, no other submissions were made by learned advocate for the petitioner.

4. Per contra, learned advocate for respondent No. 2 has objected to the present petition and submitted that the original opponent No. 1 has already paid an amount of Rs.1,91,570/- towards penalty and, out of the total compensation of Rs.4,08,139/-, an amount of Rs.61,139/- has been paid to the workman. It is submitted that no sufficient cause is made out for permitting premature withdrawal of the amount lying in the Fixed



Deposit and, therefore, it is prayed that the present petition be dismissed.

5. I have considered the submissions made by the learned advocates for the parties and perused the papers placed on record. The prayer made in the present petition is for issuance of a direction to the learned Labour Court to disburse the amount lying in the Fixed Deposit along with the interest accrued thereon in favour of the petitioner. The copy of the Fixed Deposit receipt, placed on record at page No. 44 of the compilation, indicates that the maturity date of the Fixed Deposit is 02.04.2027. Thus, hardly 8 to 9 months remain for the Fixed Deposit to mature. Further, learned advocate for the petitioner could not point out any serious circumstance justifying premature withdrawal of the amount lying in the Fixed Deposit. In absence of any cogent and convincing reasons, I do not find any substance in the present petition and, therefore, the same is hereby, dismissed.

(D. M. DESAI,J)

MUSKAN