

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1995 of 2008**

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TORRENT POWER LTD

Versus

JAGRUTIBEN DILIPBHAI KADIYA & ORS.

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Appearance:

MR SALIL M THAKORE(5821) for the Appellant(s) No. 1

MR JF MEHTA(461) for the Defendant(s) No. 1,2,3

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CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA

and

HONOURABLE MR. JUSTICE R. T. VACHHANI**Date : 11/09/2026****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)**

1. Being aggrieved by the judgment and decree dated 09.10.2007 passed in Special Civil Suit No. 280 of 1995, the appellant – original defendant has preferred present First Appeal. The 10th Additional Senior Civil Judge, Gandhinagar was pleased to partly allowed the suit and directed the defendant appellant – Torrent Power Ltd to pay a sum of Rs.10,00,000/- towards the compensation with accrued interest at the rate of 9% from the suit.
2. We have heard learned counsel Mr. Salil Thakore and Mr. J.F. Mehta for the respective parties.
3. Mr. Salil Thakore, learned advocate, upon instructions, does not press this appeal and seeks permission to withdraw it. He also pointed out that, the trial Court has committed an error while granting compound interest and same may be corrected.

4. On the other hand, Mr. J. F. Mehta, learned advocate fairly stated that the interest should be simple interest and the judgment of the trial Court, on this limited issue may be modified.
5. Having regard to the peculiar facts and circumstances of the present case, the appeal stands disposed of as withdrawn. So far as, interest part is concerned, the judgment and decree is modified to the effect that the respondents – plaintiffs are entitled the simple interest at the rate as awarded by the trial Court.
6. The appellant shall deposit the amount as per the modified interest. The respondent – plaintiff is permitted to withdraw the entire amount along with interest. Accordingly, appeal stands disposed of. The modified decree be drawn. The R&P, if any, be sent back to the trial Court.

(ILESH J. VORA,J)

(R. T. VACHHANI, J)

P.S. JOSHI