

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 55 OF 2015

IN

FIRST APPEAL NO. 76 OF 2003

SHRI DATTAKUMAR R. NAIK AND 7
ORS.,

... Applicants

Versus

SMT. SITABAI R. NAIK, (SINCE
DECEASED) BY LEGAL HEIRS AND 2
ORS.,

... Respondents

Mr. P. A. Kholkar, Advocate for the applicants.
Mr. V. A. Lawande, Advocate for L.Rs. of respondent no. 1.
Mr. V. Rodrigues, Additional Government Advocate for respondents
no. 2 and 3.

Coram:- U. V. BAKRE, J.

Date:- 4th February, 2015

P.C.

Heard Mr. Kholkar, learned Counsel for the applicants.

2. Mr. Lawande, learned Counsel waives service of notice on behalf of the legal representatives of respondent no. 1. Mr. Rodrigues, learned Additional Government Advocate waives service of notice on behalf of the respondents no. 2 and 3.

3. By this application, the applicants have prayed for direction to respondent no. 2 to take into consideration the Will executed by late Smt. Sitabai R. Naik at the time of deduction of income tax at source before depositing the amount of enhanced compensation in respect of the acquired land and direct the respondent no. 2 to deposit in this Court an amount of enhanced compensation in respect of the

acquired land as early as possible.

4. In so far as prayer clause (b) is concerned, Mr. Rodrigues submits that the draft of the amount of Rs.23,92,423/- to be deposited is already prepared and he would deposit the same before the registry today itself.

5. In view of the reasons stated in the application, prayer clause (b) is allowed. Respondents no. 2 and 3 shall deposit before this Court the entire amount of enhanced compensation along with accrued interest thereon within a week. The concerned parties are permitted to withdraw the said amount as per their entitlement, to the satisfaction of the Registrar.

6. The application stands disposed of.

U. V. BAKRE, J.

SMA