

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 138 OF 2015

IN

FIRST APPEAL NO. 241 OF 2002

MR. PEDRO ROSARIO VAZ (DECEASED)
THROUGH THEIR LEGAL HEIRS.,

... Applicant

Versus

STATE OF GOA, THROUGH THE DEPUTY
COLLECTOR (LA), MARGAO AND ANR.,

... Respondents

Ms. Ninotska Lourdes Pimenta, Advocate for the Applicants.

Ms. Sapna Mordekar, Additional Government Advocate for the Respondents.

Coram:- K. L. WADANE, J.

Date:- 21st August, 2015

P.C:

Heard the learned Counsel for the parties.

2. The present application filed by the applicants is for withdrawal of compensation deposited before this Court, when First Appeal No. 241/2002 was admitted. The present respondents had filed First Appeal No. 241/2002, in which Land Acquisition Case No. 145/1996 was remanded to the learned Reference Court on 15.07.2011. After the remand, the Land Acquisition Case was allowed by order dated 17.01.2012. In spite of the award of the Reference Court, the respondents failed to pay the amount of compensation to the applicants. Hence, the applicants have filed Execution Proceedings No. 55/2013, which is pending before the Court of Additional

District Judge, South Goa at Margao.

3. Before the Reference Court, the respondents have stated in their reply that an amount of Rs.8,43,511/- i.e. the decretal amount is deposited in First Appeal No. 241/2002 before this Court. During the pendency of the proceedings, applicant nos. 1 and 2 have expired leaving behind their legal representatives i.e. applicant nos. 3 and 4. The amount of Rs.8,43,511/- deposited by the respondents on 10.12.2002 is kept in F.D.R. till 06.01.2003 and it is renewed up till now.

4. Ms. Mordekar, the learned Additional Government Advocate for the respondents-State has no objection for withdrawal of the amount by the applicants, subject to clarification that the amount paid to the applicant nos. 3 and 4, shall be informed to the Executing Court so as to avoid miscalculation and overlapping amounts.

5. In view of the statement made by the learned Additional Government Advocate, the Registry is directed to pay the amount of Rs.8,43,511/-, together with accrued interest to applicant nos. 3 and 4 and after such payment, the Registry is directed to inform the Executing Court about the details of payments made to the applicant nos. 3 and 4. The applicant is also directed to inform this fact to the Executing Court.

6. With these directions, the application is disposed of.

K. L. WADANE, J.

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