

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO. 303 OF 2015.

IN

FIRST APPEAL NO. 40 OF 2014.

SHRI GREGORIO D'COSTA AND ANR. APPLICANTS.

VERSUS

**M/S KADAMBA TRANSPORT
CORPORATION LTD, REP BY
MANAGING DIRECTOR
MR. DERRICK PEREIRA NETO
AND ANR. RESPONDENTS.**

WITH
MISC.CIVIL APPLICATION NO. 304 OF 2015.

IN

FIRST APPEAL NO. 41 OF 2014.

SHRI GREGORIO D'COSTA AND ANR. APPLICANTS.

VERSUS

**M/S KADAMBA TRANSPORT
CORPORATION LTD, REP BY
MANAGING DIRECTOR
MR. DERRICK PEREIRA NETO
AND ANR. RESPONDENTS.**

WITH
MISC.CIVIL APPLICATION NO. 305 OF 2015.

IN

FIRST APPEAL NO. 42 OF 2014.

SHRI GREGORIO D'COSTA AND ANR. APPLICANTS.

VERSUS

**M/S KADAMBA TRANSPORT
CORPORATION LTD, REP BY
MANAGING DIRECTOR
MR. DERRICK PEREIRA NETO
AND ANR. RESPONDENTS.**

**WITH
MISC.CIVIL APPLICATION NO. 306 OF 2015.**

IN

FIRST APPEAL NO. 43 OF 2014.

SHRI GREGORIO D'COSTA AND ANR. APPLICANTS.

VERSUS

**M/S KADAMBA TRANSPORT
CORPORATION LTD, REP BY
MANAGING DIRECTOR
MR. DERRICK PEREIRA NETO
AND ANR. RESPONDENTS.**

Mr. Harshad Arsekar, Advocate for the applicant.

Mr. A. R. Kantak, Advocate for the respondents.

**Coram:- K. L. Wadane, J.
Reserved on: 2nd July, 2015.
Pronounced on: 3rd July, 2015.**

ORDER

Heard Mr. H. Arsekar, learned Advocate appearing for the applicant and Mr. A. R. Kantak, learned Advocate appearing for the respondents.

2. The present applications are filed by the original claimant/applicant for withdrawal of the amount of compensation deposited by the respondents in this Court as per the award passed by the Presiding Officer, Motor Accident Claims Tribunal, Margao in Claim Petition Nos.211/2010, 212/2010, 214/2010 and 213/2010.

3. The applicants have contended that they required the amount for day to day expenses and some amount for medical treatment and other essential requirements.

4. Applications are opposed by the respondents by filing their replies.

5. During the course of arguments, the learned Advocate appearing for the respondents has stated that no particulars or the details of the medical treatment has been given by the applicants so also no other details are given. Learned counsel appearing for the respondents further states that there are good grounds in the appeal and if the amount is paid to the applicant at this stage then it will be very difficult for the respondents/insurance company to recover it from the applicants.

6. Considering the arguments advanced by both sides and the reasons stated in the applications, it appears that part of the amount has to be released and paid to the applicants at this stage to meet their day to day requirements.

7. Hence, the applications are partly allowed. The applicants are entitled to receive 30% of the amount as deposited in this Court on a condition to repay it to the insurance company or to deposit in this Court, if the appeals of the respondents are allowed.

8. Applications stand disposed of accordingly.

K. L. WADANE, J.

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