

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 819 OF 2014

IN

CIVIL APPLICATION NO. 272 OF 2008

MRS. FRANCISCA PEREIRA E MIRANDA
AND 3 ORS.,

... Applicants

Versus

MR. WAUSVEL JOAO SOCCORO SANTOS
MIRANDA AND ANR.,

... Respondents

Shri Nuno J. Noronha, Advocate for the Applicants.

Respondent No. 1 is present in person.

Coram:- C. V. BHADANG, J.

Date:- 9th April, 2015

P.C:

Heard.

2. This application is filed by the original plaintiffs in Special Civil Suit No. 27/2003/III, which was for recovery of money and damages.

It appears that the said suit was partly decreed and the original defendants had filed First Appeal No. 256/2008, before this Court alongwith Civil Application No. 272/2008. It further appears that by order dated 03.03.2009, this Court had granted stay of the impugned judgement and order, subject to the appellants/defendants depositing the decretal amount alongwith accrued interest within a period of eight weeks. In pursuance of the said order, an amount of

Rs.1,30,000/- came to be deposited in this Court on 29.04.2009. Subsequently on account of enhancement of jurisdiction of the District Court to hear appeals, the said First Appeal was transferred to the file of the learned District Judge, which was registered as Regular Civil Appeal No. 215/2010. The said appeal has been partly allowed and the original defendant nos. 2 and 3 have been ordered to pay the plaintiffs a sum of Rs.30,614/- out of Rs.53,614/- with interest @12% per annum from 16.02.2000 till its realisation. It appears that the amount which was deposited in this Court was not transferred to the District Court when the appeal was so transferred. Now, the original plaintiffs/decreed holders have filed this application, to which the respondent no. 1, who appears in person has filed reply.

3. On hearing the parties, it appears that the decree holder has filed a Regular Execution Application No. 11/2013/I, which is pending before the Civil Judge Junior Division, Margao. In such circumstances, it would be appropriate that the amount lying before this Court is transferred to the Executing Court, which may pass appropriate order, in accordance with law.

4. In such circumstances, office shall transmit the amount of Rs.1,30,000/- alongwith accrued interest, if any, to the Executing Court, who shall pass appropriate order, in accordance with law.

5. The application is disposed of in aforesaid terms.

C. V. BHADANG, J.

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