

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 646 OF 2015

IN

FIRST APPEAL NO. 116 OF 2003

MR.MARIANO DO ROSARIO A.QUARDROS
(DEC) BY L.RS AND ANR.,

... Applicants

Versus

DY.COLLECTOR(L.A.),MARGAO-GOA AND
2 ORS.,

... Respondents

Mr. Jagannath Jayant Mulgaonkar, Advocate for the Applicants.
Ms. P. Bhandari, Addl. Government Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 27th November, 2015

P.C.:

Heard Mr. Mulgaonkar, the learned counsel for the applicants and Ms. Bhandari, the learned Addl. Government Advocate for respondents no.1 and 2. There is no appearance on behalf of respondent no.3, though served.

2. This application is for disbursal of the amount deposited by the State. Indisputably, the first appeal both by the appellants and the respondent/State has been dismissed, thereby confirming the judgment and award passed by the Reference Court. The learned Addl. Government Advocate has no objection for the amount being paid to the appellants, as per their entitlement in law. It is however, submitted that the applicants have to independently establish their

entitlement to their particular share as set out in para 4 of the application. It is submitted by Mr. Mulgaonkar that the original appellant no.1 (b) has now been added as respondent no.3. It is submitted that on account of the annulment of marriage, she is not entitled to any share.

3. On hearing the learned counsel for the parties and perusal of the record, it appears that in an application of the present nature, this Court cannot decide the interse rights of the parties as also the shares to which they are entitled. In that view of the matter, it would be appropriate that the amount deposited before this Court is sent to the Reference Court. It would be open to the applicants to file appropriate applications before the Reference Court, which shall decide the issue about the disbursement of the amount after hearing all the concerned parties and in accordance with law. The Misc. Civil application is disposed of in the above terms.

4. The learned counsel for the applicants submits that the applicant shall file such application before the Reference Court within a period of two weeks. If such an application is filed, the reference Court shall decide the same as expeditious as possible and preferably within a period of three months, from the date of filing.

ap/-