

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 739 OF 2015

IN

MISC.CIVIL APPLICATION NO. 647 OF 2015

SHRI.SHIVRAM FATI RAUT AND ANR.,

... Applicants

Versus

SHRI RAM GOVIND RAUT, BICHOLIM
GOA.

... Respondent

Mr. Ryan Da Piedade Menezes, Advocate for the Applicants.
Mr. Joseph Vaz, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 4th December, 2015

P.C.:

Heard Mr. Menezes, the learned counsel for the applicants and Mr. Vaz, the learned counsel for the applicant in M.C.A.No.647/2015. By the M.C.A. No.739/2015, the applicant is seeking intervention in M.C.A. No. 647/2015. It may be mentioned that M.C.A. No.647/2015 is filed by the applicant for withdrawal of the amount of compensation deposited before this Court, as indisputably the F.A. No. 152/2015 filed by the State challenging the award has been dismissed. It is contended that on account of that the applicant (in M.C.A. No.647/2015) has become entitled to receive the compensation.

2. M.C.A. No.739/2015 is filed by the applicant for intervention on

the ground that the applicant /intervenors have also a right to the property which was acquired and as such are entitled to get the compensation.

3. It appears that indisputably the F.A. No.14/2010 filed by the intervenors has been dismissed. It is further undisputed that this has attained finality in as much as the same was not challenged any further. It is submitted by Mr. Menezes the learned counsel for the applicant that there is a suit pending being R.C.S No.118/2013/B and in the event the intervenors succeed in the suit, they would be entitled to get the compensation.

4. It is pointed out by the learned counsel for the applicant in M.C.A. No.647/2015 that the application for temporary injunction filed by the intervenors in the suit is rejected. It is also pointed out that the ground based on the inventory proceedings is also considered and rejected by this Court while deciding F.A. No.14/2010.

5. On hearing the learned counsel for the parties and on perusal of the record, I do not find that the application for intervention can be allowed. The ground on which the claim of the intervenors is based is already considered and decided by this Court in F.A. NO.14/2010, which has attained finality. In that view of the matter, the application for intervention stands rejected. However, the rejection of the intervention application will not have bearing on the controversy in

the suit filed by the intervenors.

C. V. BHADANG, J.

ap/-