

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 178 OF 2015

IN

FIRST APPEAL NO. 269 OF 2008

SMT. FATIMA BI BEIG, THROUGH HER
ATTORNEY MR. SULEIMAN BEIG.

... Applicant

Versus

SHRI. ARTHUR D'SILVA.

... Respondent

Mr. Ryan Da Piedade Menezes, Advocate for the applicant.

Coram:- F. M. REIS, J.

Date:- 14th July, 2016

P.C.

This is an application for withdrawal of the amount deposited in this Court while obtaining stay of the operation of the judgment passed by the learned Trial Judge. It is pointed out that because of the changes to the pecuniary jurisdiction, the appeal was thereafter transferred to the learned District Judge which came to be dismissed for default on 24.06.2010.

2. Mr. R. Menezes, learned counsel appearing for the applicant upon instructions states that no application has been filed for restoration or any proceedings pending in respect of the subject appeal in any Court. The respondents though served have failed to remain present. Consequently, the averments made in the application stand uncontroverted. Hence, the application is allowed. The

applicant is permitted to withdraw the amount deposited in this Court in First Appeal No. 269 of 2008 to the extent of the decree passed by the learned Trial Court. The Registry to calculate the amount accordingly.

3. The application stands disposed of accordingly.

F. M. REIS, J.

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