

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 197 OF 2016

IN

SECOND APPEAL NO. 104 OF 2014

MR. NIRMAL GANGADEAN AND ANR.

... Applicant

Versus

M/S. ALFRAN CONSTRUCTION PVT. LTD.
THR. ITS MANAGING DIRECTOR.

... Respondent

Mr. Ashwin D. Bhobe, Advocate for the applicants.
Mr. Joseph Vaz, Advocate for the respondents.

Coram:- F. M. REIS, J.

Date:- 21st October, 2016

P.C.:

Heard Mr. Ashwin Bhobe, learned Counsel appearing for the applicants, and Mr. Josephu Vaz, learned Counsel appearing for the respondents.

2. This is an application to withdraw the amount deposited by the appellants-respondents herein while obtaining stay of the operation of the impugned judgment and decree. It is not disputed that before the Appellate Court, the original respondent-the applicant herein had withdrawn a sum of Rs.5,00,000/-. It is also not disputed that the principal amount was in the sum of Rs.10,00,000/-.

3. Mr. Vaz, learned Counsel appearing for the original

appellants-respondents herein points out that the appellants have deposited in this Court a sum of Rs.25,00,000/- and that the respondent-applicant herein cannot be permitted to withdraw an aggregate amount of Rs.10,00,000/-.

4. In view of the said statement of the learned Counsel appearing for the respondents-original appellants, the applicants herein are permitted to withdraw a further sum of Rs.5,00,000/-. The balance amount deposited by the respondents-original appellants shall continue to be in fixed deposit in a nationalised bank until disposal of the second appeal.

The application stands disposed of accordingly.

F. M. REIS, J.

ssm.