

IN THE HIGH COURT OF BOMBAY AT GOA.
MISCELLANEOUS APPLICATION NO. 399 OF 2015
IN
FIRST APPEAL NO. 218 OF 2007.

MR. SAVIO SEQUIRA
VERSUS
MRS. DOLLY HARJINDER GADHOKE
AND 2 ORS.

.....APPLICANT.

.....RESPONDENTS.

Ms. S. Pereira, Advocate for the applicant.
None present for the respondent nos.1 and 2.
Mr. E. Afonso, Advocate for the respondent no.3.

Coram:- K. L. Wadane, J.
Reserved on:- 26th February, 2016.
Pronounced on:- 3rd March, 2016.

ORDER

The present application is filed by the applicant through his General Power of Attorney for withdrawal of the amount of compensation. The applicant had filed Claim Petition No. 37/2003 before the Motor Accident Claims Tribunal at Mapusa and the Motor Accident Claims Tribunal has granted an amount of compensation of Rs.4,02,560/- along with interest at the rate of 7.5% per annum from the date of the petition till payment. The respondent nos.1 and 2 have deposited an amount of Rs.5,03,060/- in this Court. Out of which the applicant was allowed to withdraw an amount of Rs.2,00,000/- and the remaining amount was permitted to be withdrawn after furnishing bank guarantee to the satisfaction of the Registrar.

2. The First Appeal no.218/2007 presented by the respondents nos.

1 and 2 was dismissed for non-payment of the paper book charges on 15.2.2012. Therefore, now the present applicant has prayed for withdrawal of the amount along with interest.

3. Notice of the present application was issued to the respondents. The respondent nos.1 and 2 though served with the notice remained absent. Mr. E. Afonso, learned Counsel appearing for the respondent no.3/insurance company has no objection to pay the amount, since the amount was deposited by the respondent nos.1 and 2 before this Court.

4. In spite of the service of the notice of the present application, the respondent nos.1 and 2 who are appellants in the First Appeal have failed to appear before this Court and file their reply. First Appeal was dismissed, long back in the month of February, 2012 and there is nothing on record to show that the respondent nos.1 and 2 have moved to the Court any application for restoration of the First Appeal.

5. In such circumstances, application is allowed. Applicant is permitted to withdraw the balance amount together with interest.

6. Application stands disposed of.

K. L. WADANE, J.

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