

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 1 OF 2017

IN

WRIT PETITION NO. 68 OF 2016

KADAMBA TRANSPORT CORPORATION
LTD., REP. BY MANAGING DIRECTOR,
MR. DERRICK PEREIRA NETO.,

... Applicant

Versus

MRS. MARIA ANTONIETA RODRIGUES E
DA COSTA AND 2 ORS.,

... Respondents

Adv. Ajit R. Kantak for the Applicant.

Adv. H. Asrekar for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 3rd February, 2017

P.C.:

Heard the learned counsel for the applicant and the learned counsel for the respondents.

2. The only ground which is canvassed for seeking review is that the amount under the interim award was deposited by cheque before the Tribunal on 31/12/2007, while this Court in the judgment sought to be reviewed has proceeded on the basis that the amount of the interim award was deposited on 16/12/2008 i.e. after the final award was passed on 19/5/2008. It is submitted that once the cheque towards the amount of the

interim amount was deposited prior to the passing of the final award, the amount of Rs.50,000/- could not have been appropriated towards interest.

3. The learned counsel for the respondent points out that although the cheque was deposited on 31/12/2007, there is nothing on record that it was immediately realized. He further points out that a notice of the said deposit was not given to the respondent. He submits that the interest on the amount on Rs.50,000/- would cease only when the respondents are put to notice about the deposit and not otherwise. He points out that the record would show out that the amount was deposited only on 16/12/2008, as has been found by this Court.

4. I have considered the circumstances and the submissions made. The learned counsel for the applicant does not dispute that the actual deposit of the compensation as per the interim award came through only on 16/12/2008. It is neither the claim made in the petition nor in the application for review that an intimation of the deposit was given to the respondent. Thus the interest cannot cease. In that view of the matter, the impugned judgment which proceeds on the ground that the amount under the interim award was deposited on 16/12/2008 i.e after passing of the final award on 19/5/2008 does not show any error apparent on the face of the record. The application is without any merit

and is accordingly dismissed.

C. V. BHADANG, J.

ap/-