

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 585 OF 2017

IN

WRIT PETITION NO. 182 OF 2017

ALVITO RODRIGUES AND ANR., ... Applicants

Versus

DR. ROBINSON L. Z. DAS M. DA COSTA
(DEC) THR. HIS LRS. AND 3 ORS., ... Respondents

Adv. Jagannath Jayant Mulgaonkar for the Applicants.
Adv. Rohit Bras De Sa for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 29th November 2017

P.C.:

This is an application for withdrawal of the amount deposited by the respondents/tenants. This Court by an order dated 13/4/2017 had directed deposit of Rs.30,000/- per month based on the decision of the Supreme Court in the case of ATMA RAM PROPRIETIES PVT. LTD. VS. FEDERAL MOTORS (P) LTD. (2005) 1 SCC 705. The applicant/landlord seeks withdrawal of the same.

2. I have heard Shri Mulgaonkar, the learned counsel for the applicants and Shri De Sa, the learned counsel for the respondents.

3. On hearing the learned counsel for the parties the application is disposed off in the following terms:-

(i) Fifty percent of the amount deposited shall be released in favour of the applicants on furnishing security to the satisfaction of the learned Registrar (Judicial) of this Court.

(ii) The remaining fifty percent shall be released in favour of the applicants on furnishing of a Bank Guarantee of a Nationalized Bank to the satisfaction of the Registrar (Judicial) of this Court.

(iii) Registrar (Judicial) shall hear the applicant before accepting the security.

C. V. BHADANG, J.

ap/-