

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 699 OF 2016

IN

FIRST APPEAL NO. 52 OF 2000

THE NEW INDIA ASSURANCE CO.LTD.,
REP. BY ITS DIVISIONAL MANAGER
RISHIKA OJHA.,

... Applicant

Versus

MR. SURESH V. PHADTE, THR. HIS
ATTORNEY MR. DATTARAM V. PHADTE.,

... Respondent

Mr. Emerico Estevam Afonso, Advocate for the Applicant.
None for the Respondent.

Coram:- F. M. REIS, J.

Date:- 23rd March, 2017

P.C.

Heard Shri E. Afonso, learned Counsel appearing for the
Applicant.

2. This is an application to permit the Applicant to withdraw the amount deposited in this Court whilst obtaining the stay of the operation of the Judgment passed by the learned Trial Court in Civil Suit No. 181/90 at Mapusa, where the Appeal was originally filed.

3. It is pointed out by Mr. Afonso, the learned Counsel appearing for the Applicant that the Appeal preferred by the

Applicant was allowed in Regular Civil Appeal No. 232/2003 by Judgment and Decree dated 29.10.2005. Second Appeal before this Court being Second Appeal No. 97/2006 by the original Plaintiff also came to be dismissed by Judgment dated 05.03.2015.

4. The Respondent, though served failed to remain present. Hence, the application is allowed. The Applicant is permitted to withdraw the amount deposited in this Court with interest accrued thereon, if any.

4. Application stands disposed of.

F. M. REIS, J.

msr