

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 858 OF 2016

IN

FIRST APPEAL NO. 129 OF 2015

MASTER FREWIN SEBY DE MELO, REP.
BY SHRI. ARMANDO MASCARENHAS AND 2
ORS.,

... Applicants

Versus

NATIONAL INSURANCE CO. LTD.,

... Respondent

Ms Vinita Vishram Palyekar, Advocate for the applicant.
None for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 23rd June, 2017

P.C.

This is an application for permission to withdraw an amount of Rs. 10 lakh from out of the compensation deposited in this case. In fact, the Division Bench of this Court by Order dated 21.12.2015 has permitted withdrawal of Rs.10 lakhs. Subsequent to that on account of the enlargement of the pecuniary jurisdiction of the learned Single Judge, the appeal is placed before this Court. The applicant has pointed to a technical difficulty in giving effect to the order dated 21.12.2015.

A peculiar situation has arisen in this case in as much as the original Claimant is a minor and the claim was in respect of the compensation towards the death of his father. The vehicle was owned by the mother of the claimant and as such she was made one of the respondents before the Claims Tribunal. The claimant

being a minor was represented by one Antonio L.A. E. Mascarenhas. The office found it difficult to release the amount in favour of the claimant.

2. In order to obviate the difficulty, the applicant has now opened a joint account in the name of the guardian, Mr. Antonio L. A. E Mascarenhas who is also known as Armando Mascarenhas and the mother of the minor, namely, Fatima Rodrigues being account no. 36952591617 with State Bank of India, Panaji, Secretariat, Goa. The applicant requests that the amount be deposited in the said account.

3. I have heard the learned Counsel for the applicant. None for the respondent though a copy of the application is served.

4. I find that the division bench of this Court by order dated 21.12.2015 in Stamp Number (Application) no.3683 of 2015 has already allowed the applicant to withdraw Rs. 10 lakhs. It would be thus appropriate to issue a crossed account payee cheque jointly in the name of Mr. Antonio L. A. E. Mascarenhas alias Armando Mascarenhas and Mrs. Fatima Cyrila Rodrigues payable to the applicant's bank account no.36952591617 with State Bank of India, Panaji Secretariat, Goa. Office to act accordingly.

C. V. BHADANG, J.

msr