

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 955 OF 2016

IN

FIRST APPEAL NO. 101 OF 2001

LUIS LOBO AND 3 ORS.,

... Applicants

Versus

GOA HOUSING BOARD AND ANR.,

... Respondents

Mr. Ryan Menezes, Advocate for the Applicants.

Mr. Santosh Bharne, Advocate for the Respondent no. 1.

Ms. Purna Bhandari, Addl. Government Advocate for the Respondent no. 2.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 5th January, 2017

P.C.

Heard Mr. Ryan Menezes, learned Counsel appearing for the Applicants, Mr. Bharne, learned Counsel appearing for the Respondent no. 1 and Ms. Bhandari, learned Addl. Government Advocate appearing for the Respondent no. 2.

2. This is an application for withdrawal of the amount deposited in this Court whilst staying the operation of the Award passed by the Reference Court dated 30.08.2000.

3. Learned Counsel appearing for the Respondent no. 1, however, disputes the correctness of the claim put forward by the

Applicants and further submits that the Applicants have already filed Execution Proceedings bearing no. 286 of 2016 pending before the learned District Judge, North Goa at Panaji.

4. It is pointed out by Mr. Ryan Menezes, learned Counsel appearing for the Petitioners, that the Registry of this Court has made a calculation of the amount due to the Applicants which, according to him, far exceeds the amount deposited by the Respondents. The Respondents however dispute the correctness of such calculation.

5. Without going into the rival contentions and as it is undisputed that the Applicants have already filed the proceedings for executing the Award passed by this Court, we find that as the acquisition is of the year 1988, the Applicants shall be permitted to withdraw the amount of Rs.23,02,118/- along with interest accrued thereon. Needless to say, the amount so received shall be subject to further orders which may be passed with regard to the objections raised by the Respondents in the said Execution Proceedings. The Applicants shall also furnish an undertaking to the satisfaction of the Registrar (Judicial) of this Court, that in case of any excess amount received by the Applicants, such amount shall be refunded in terms of any directions which may be passed in the Execution Proceedings filed by the Applicants.

6. Application stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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