

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**MISC.CIVIL APPLICATION NO. 340 OF 2018**  
**IN**  
**SECOND APPEAL NO. 10 OF 2009**

SAVIO RODRIGUES AND ANR.,                      ... Applicants

Versus

SHIVA K. GADEKAR (DECEASED)  
THROUGH HIS LRS.,                      ... Respondent

Shri A. Sardessai, Advocate for the Applicants.

Coram:- NUTAN D. SARDESSAI, J.

Date : 22 November 2018

P.C.

Learned Counsel appearing for the applicants submitted that the respondent no.4 who is apparently not served has identity of interest with the applicant and is not the contesting party and otherwise a beneficiary of the judgment in the Second Appeal No.10/2009. He invited attention to the order dated 16.07.2010 whereby the respondents herein were directed to deposit ₹10,000/- every year till the disposal of the appeal as also to the judgment in the Second Appeal No.10/2009 pursuant to which the Registry was directed to

pay the amount of ₹30,000/- to the respondents therein i.e. the applicants herein.

2. In the circumstances therefore, the amount would work out to ₹70,000/- and not ₹30,000/-. In view thereof, the service on the respondent no.4 is dispensed with and the application for modification is allowed and the amount shall read as ₹70,000/- instead of ₹30,000/-.

3. Application accordingly stands disposed off.

**NUTAN D. SARDESSAI J.**

arp/\*