

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 307 OF 2018

IN

FIRST APPEAL NO. 49 OF 2016

SMITA LAXMAN GAUDE AND 3 ORS., ... Applicants

Versus

JAKHOTIYA PLASTICS PVT. LTD., ... Respondent

Shri Emerico Estevam Afonso, Advocate for the Applicants.
Shri Yogesh V. Nadkarni, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 18th April 2018

P.C.

This is an application for withdrawal of 25% of the amount of compensation, deposited before this Court, in compliance with the order dated 16.06.2017, passed in Civil Application No. 206/2016.

2. The record shows that the respondent, which is the appellant in the appeal has furnished a Bank Guarantee to the extent of 75% of the compensation granted. The respondent has deposited an amount of Rs.13,36,719/- on 24.07.2017, which is invested in a fixed deposit.

3. Out of the four applicants, the applicant nos. 2 and 3 are minors. The applicant no. 1 is the widow, while the applicant no.

4 is the mother of the deceased.

4. The learned Counsel for the respondent undertakes that the Bank Guarantee furnished before this Court on 21.07.2017, shall be renewed, in the event, it has expired and shall be kept alive during the pendency of the appeal.

5. Considering the overall circumstances and on hearing the learned Counsel for the parties, the following order is passed:

O R D E R

(A) Office shall release the amount, deposited before this Court along with interest, if any, in favour of the applicants as under:

(i) 25% of the amount shall be released in favour of the applicant nos. 1 and 4, each.

(ii) The remaining amount shall be invested in Nationalized Bank for a period of three years in the name of the applicant nos. 2 and 3, through applicant no. 1, as natural guardian.

(iii) The applicant no. 1 shall be entitled to quarterly interest on the fixed deposit, to be applied towards the maintenance and welfare of the applicant nos. 2 and 3.

(iv) The fixed deposit receipt shall be handed over to the applicant no. 1. The fixed deposit, shall not be encashed without the permission of the Court.

(B) The civil application is disposed of.

C. V. BHADANG, J.

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