

***IN THE HIGH COURT OF BOMBAY AT GOA***

***MISC. CIVIL APPLICATION NO.482 OF 2018  
IN  
FIRST APPEAL NO.125 OF 2015***

Eric D'Souza & Ors.

... Applicants

Versus

Saldanha Developers Pvt. Ltd. & Anr.

.... Respondents

Mr. P. Talaulikar, Advocate for the Applicants.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Braganza,  
Advocate for the Respondents.

***Coram : N.M. Jamdar &  
Prithviraj K. Chavan, JJ.***

***Date : 5 September 2018.***

**P.C.:**

By this application, the Applicants-original plaintiffs have sought to modify the order dated 19 June 2017 to permit the Applicants to withdraw an amount of Rs.25,00,000/- deposited in this Court by the Respondents-Appellants.

2. When the First Appeal was admitted, by a detailed order

on the Civil Application, the Division Bench had directed the Appellants to deposit an amount of Rs.25,00,000/- and furnish a bank guarantee. The amount was directed to be invested in a fixed deposit. At that time both the parties were heard.

3. This Civil Application is filed by the Applicants stating that the Applicants have financial difficulties and does not have any money for repairs and maintenance etc. The reply has been filed as far as in July 2018 by the Respondents annexing the accounts of the Applicants and the extract of the Annual General Meeting. The learned Senior Advocate for the Respondents-original Appellants points out that the Applicants bank accounts show reserves almost to the tune of Rs.26,00,000/-. The Applicants have not mentioned any of these facets in their application and have filed this application simply on the ground of financial difficulties. That the Applicants have surplus balance ought to have been mentioned. Therefore, on these averments the Civil Application cannot be considered for modification and it is accordingly disposed of.

***Prithviraj K. Chavan, J.***

***N.M. Jamdar, J.***