

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 725 OF 2018

IN

FIRST APPEAL NO. 47 OF 2014

LEO D'COSTA AND 3 ORS.,

... Applicants

Versus

THE EXECUTIVE ENGINEER WORK
DIVISION VII, PANAJI.,

... Respondent

Shri Premanand Anand Kholkar, Advocate for the Applicants.

Ms. Priyanka Kamat, Additional Government Advocate for the
Respondent.

Coram:- C. V. BHADANG, J.

Date:- 12th October 2018

P.C.

This is an application for withdrawal of the remaining 50% of the amount by the applicants, who are the legal representatives of the original claimant/respondent, Mr. Joaquim D'Costa. Mr. Joaquim D'Costa expired on 11.11.2017 and is survived by the present applicants as the legal representatives. Applicant nos. 1 and 3 are respectively the son and the daughter of the deceased, while applicant nos. 2 and 4 are respectively the daughter-in-law and son-in-law of the deceased. In the application, it is stated that except the applicants, there are no other legal heirs of the deceased.

2. It is a common ground that the State has not challenged the judgment and decree dated 10.08.2017, passed in First Appeal No. 47/2014 and as such, the same has attained finality.

3. The office has reported that the State had deposited an amount of Rs.28,01,208/- as per the order dated 03.07.2014, which was invested in Canara Bank. Out of the said amount, 50% of the amount i.e. Rs.14,00,604/- has been paid to the original claimant/now deceased, Mr. Joaquim D'Costa, as per the order dated 11.08.2017. The remaining amount of Rs.20,57,442/- was re-invested. The office report shows that at present, an amount of Rs.24,74,496/- is lying before this Court, which would be payable to the applicants.

4. In such circumstances, the application is allowed. The amount lying before this Court alongwith interest, if any, shall be paid equally amongst the applicants, subject to the applicants filing separate undertakings before the Registrar (Judicial) of this Court, undertaking that in the event, there is any claim by a third party, the amount shall be re-deposited by the applicants, before this Court.

C. V. BHADANG, J.