

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 244 OF 2019

IN

FIRST APPEAL NO. 111 OF 2015

SANDRA D'SOUZA AND 3 ORS., ... Applicants

Versus

GAURI RAJENDRA KAMAT AND 2 ORS., ... Respondents

Shri V. Amonkar, Advocate for the applicants.

Shri A.R.S. Netravalkar, Advocate for the respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 9th April 2019

P.C.:

Heard Shri V. Amonkar, learned Advocate for the applicants and Shri A.R.S. Netravalkar, learned Advocate for the respondents.

2. It was the contention of Shri V. Amonkar, learned Advocate that the applicants are in dire need of money to meet their expenses and that at least 50% of the amount be permitted to be withdrawn in the circumstances to enable them to tide over the precarious condition.

3. Shri Netravalkar, learned Advocate submitted that the applicant No.1, 2 and 3 are gainfully employed and there is no

urgency of any amount being released in their favour. Besides it was his contention that it was a clear case of rashness and negligence of the deceased himself and considering that the respondents have a good case to succeed on the merits, no release be permitted.

4. i have considered their submissions and do not find any merit in the objections on behalf of the respondents to resist the release of the money in the applicants favour. In the circumstances, the application is allowed partly whereby 50% of the amount is allowed to be released in favour of the applicants on furnishing necessary undertaking before the learned Registrar of this Court to that effect. In the event the respondents succeed in the appeal the applicants to indemnify the respondents in the said amount with the interest accrued thereon. In these terms the application stands disposed off.

NUTAN D. SARDESSAI, J.

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