

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 1073 OF 2019

IN

FIRST APPEAL NO. 85 OF 2018

B. CHITRA AND ANR.,

... Applicants

Versus

GERA DEVELOPMENTS PVT. LTD., THR.
ITS CHAIRMAN, KUMAR PRITAMAS
GERA.,

... Respondent

Mr. Raunak Kantak, Advocate for the Applicants.

Mr. Anthony Joe D'Silva, Advocate for the Respondent.

Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.

Date:- 6th January, 2020

P.C.

Reply on behalf of the respondent is taken on record.

2. Heard Mr. Kantak, the learned Counsel for the applicants and Mr. D'Silva, the learned Counsel for the respondent.

3. Taking into consideration the peculiar facts and circumstances of the case, we are of the opinion that interest of justice will be served, if the applicants are permitted to withdraw an amount of Rs.3 lakhs, from out of the deposited amount, by furnishing an undertaking to the effect that the applicants will bring back this amount to the Court together with interest and/or

as may be specified, in case, the Appeal filed by the respondent is allowed. The copy of the undertaking to be furnished to the learned Counsel for the respondent in advance.

4. Registry to allow withdrawal of Rs.3 lakhs only after the applicants file such undertaking. It is made clear that the withdrawal of this amount is allowed, subject to the final orders in the Appeal.

5. The Miscellaneous Civil Application is disposed off.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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