

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 138 OF 2021
IN
CIVIL APPLICATION NO. 176 OF 2019

Furtado Associates, Thr. Its Partners

...Applicants

Versus

1. Govt. of Goa, Rep. By the chief Secretary,
Govt. of Goa & 3 Ors.

...Respondents

Mr. S. Karpe and Ms. A. Tirodkar, Advocates for the Applicants.

Ms. Amira Razaq, Government Advocate for the Respondents.

CORAM: M. S. SONAK, J

DATED: 5th August, 2021

PC:-

1. Heard Mr. Karpe, learned Counsel for the Applicant and Ms. Amira Razaq, learned Government Advocate for the original Appellants and Respondents in this application.

2. As a condition for availing interim relief, the Government of Goa has deposited the decretal amount of ₹ 38,59,414/- in this Court.

3. Mr. Karpe, the learned Counsel, points out that the Applicants are in need of finances and the impugned judgment and decree records the only reason why the Applicant herein was not paid the amounts for works completed was that the Applicants had not raised the bills in time. He submits that at least a portion of the deposited amount may be allowed to be withdrawn on issuing personal bonds and giving undertakings.

4. Having regard to the reasons set out in the application but without accepting any submission on merits at this stage, leave is granted to withdraw 25% of the deposited amount, on furnishing personal bond as well as undertakings that such amount will be returned with appropriate interest should the appeal filed by the Government of Goa be allowed either partly or entirely.

5. The personal bonds and undertaking are to be given by each of the Partners of the Applicant. Copies of such personal bonds/undertaking to be furnished to the learned Government Advocate before they are actually tendered in the Registry.

6. The concerned Registrar to satisfy that the bonds and undertakings are in order before permitting the Applicants to withdraw 25% of the deposited amount.

7. At the request of Mr. Karpe, learned Counsel, leave is granted to the Applicants herein to prepare a private paper book in the matter. The paper book should be prepared in consultation with the learned Government Advocate so all necessary documents and pleadings are included. Once such paper book is filed, liberty to file for fixed date for disposal of the appeal.

8. Misc. Civil Application no. 138 of 2021 is disposed of in the aforesaid terms.

M. S. SONAK, J.