

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO.218 OF 2021
IN
WRIT PETITION NO.270 OF 2019**

ANTON JOAO LEOUNARDO
LAZAR CORTEZ

... Applicant

Versus

UNION OF INDIA,
THR. SECRETARY, MINISTRY OF ROAD,
TRANSPORT AND HIGHWAYS, NEW
DELHI AND 6 ORS.

... Respondents

Mr. Esperdiao Dias Do Rosario, Advocate for the applicant.

Mr. Shubham Priolkar, Additional Government Advocate for
respondent Nos. 2, 3, 4 and 5.

**CORAM: M. S. SONAK &
 R. N. LADDHA, JJ**

DATE : 6th April 2022

P.C.:

1. Heard Mr. Dias, learned counsel for the applicant and
Mr. Priolkar, learned Additional Government Advocate for respondent
Nos. 2, 3, 4 and 5.

2. There is no dispute that an award has been made favouring late
Amalia Mascarenhas entitling her to receive an amount of
₹13,83,822/- including the interest that may have accrued thereon.
However, it transpires that late Amalia Mascarenhas has expired.

Therefore, this application has been made by her successors seeking withdrawal of this compensation amount in equal measure. They have placed on record a Deed of Succession which indicates that late Amalia Mascarenhas has left behind five successors who are entitled to the compensation in equal measure.

3. Having regard to the averments in the application and the submissions of Mr. Dias, we make this application absolute in terms of prayer clause (a) which reads as follows :-

“(a) The amount of Rs.13,83,822/- including the interest accrued thereon in the name of late Mrs. Amalia Mascarenhas may be equally distributed amongst all the 5 heirs who are as follows:-

- (i) 1/5 in the name of Mr. Antonio Joao Leonardo Lazaro Cortes (son);
- (ii) 1/5 in the name of Mr. Constancio Xavier Cortes (son);
- (iii) 1/5 in the name of Mr. Francisco Cortes (son);
- (iv) 1/5 in the name of Mr. Carmo Menino Izabella Cortes (son);
- (v) 1/5 in the name of Mrs. Maria Quiteria Cortes (Daughter).

4. The aforesaid parties will have to file proof of identity and also furnish the bank details so that the registry can transmit the amount directly into their bank accounts. Further, such parties will also have to file indemnity bonds to indemnify the State against further claims in respect of this amount. Such bonds should be to the satisfaction of the Registrar (Judicial).

5. The application is disposed of in the aforesaid terms. There shall be no order for costs.

R. N. LADDHA,J

M. S. SONAK, J

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