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IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.112 OF 2023

IN

FIRST APPEAL NO.88 OF 2023

THE STATE OF GOA THR, CHIEF

SECRETARY AND ANR

... APPLICANTS

Versus

DINESH GOPAL KENI

... RESPONDENT

Ms Sulekha Kamat, Additional Government Advocate for the Applicants.

Mr S. Malik, Advocate for the Respondent.

CORAM:- M. S. SONAK, J.

DATED :- 7th December, 2023

P.C.:

In this case, ad interim relief was granted subject to a deposit of the decretal amount. Ms Kamat, learned Additional Government Advocate now states that the decretal amount is deposited.

2. Accordingly, ad interim relief granted earlier is hereby confirmed.

3. Mr Malik, learned Counsel for the respondent - decree holder seeks leave to withdraw the deposited amount. He points out that this was the amount payable by the appellant under a final bill submitted by the respondent. He submits that works have been completed and for all these years the final bill amount was not paid to the respondent.

4. Accordingly, leave is granted to the respondent - decree holder to withdraw 50% of the deposited amount by furnishing a bond that this amount would be brought back with interest in case the appeal is allowed. Leave is also granted to withdraw the balance 50% amount subject to furnishing a bank guarantee from a nationalised bank securing this withdrawn amount. The bank guarantee to be kept alive until the disposal of this appeal and for a period of one month after that.

5. Civil Application No.112/2023 is disposed of.

M. S. SONAK, J.

NITI K
HALDANKAR

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