

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.327 OF 2023

IN

CIVIL APPLICATION NO.213 OF 2001

NARAYAN ANANTGURAV

... APPLICANT

Versus

DY.COLLECTOR (L.A.) AND ANR

... RESPONDENTS

Mr A. D. Bhobe, Advocate for the Applicant.

Ms S. Linhares, Additional Government Advocate for the Respondents.

CORAM:- M. S. SONAK, J.

DATED :- 22nd December, 2023

P.C.:

Heard Mr A. D. Bhobe, learned counsel for the Applicant and Ms S. Linhares, learned Additional Government Advocate for the Respondents.

2. Since no other Government Advocates were present in the Court, a request was made to Ms Linhares to appear in this matter. Accordingly, she has appeared in this matter.

3. The Applicant seeks permission to withdraw the balance amount deposited by the original Appellants in this Court along with accrued interest with a direction to the executing Court to compute the amount along with interest payable to the Applicant in terms of the

provisions of the Land Acquisition Act.

4. The Applicant had in fact filed an execution before the Executing Court. To such execution application, the State i.e. the Judgment Debtor No.2 filed a reply stating that the compensation amount was already deposited in this Court and the Applicant/Decree Holder could have withdrawn the compensation amount from this Court instead of filing an application for execution. This reply dated 25.10.2021 is annexed to this Civil Application.

5. Considering the response of the Judgment Debtor No.2, it is only appropriate that leave is granted to the Applicant to withdraw the amount deposited by the Judgment Debtors in this Court along with interest, if any, that shall accrue on this amount. The registry to facilitate the withdrawal. The Applicant must give bank details so that the amount can be directly transferred into the Applicant's bank account.

6. Mr Bhobe submits that further interest is due and payable to the Applicant. This position is contested by Ms Linhares by submitting that since the amount is deposited in this Court, there is no question of any further interest.

7. At this stage, it is not for this Court to decide over the controversy. Therefore, liberty is granted to the Applicant to institute

execution proceedings or to pursue the pending execution proceedings on the aspect of interest. At the same time, the Judgment Debtors are entitled to contend that no further interest is payable. Accordingly, all such issues are left open to be decided by the executing Court.

8. This Civil Application is disposed of in the above terms without any order for costs.

M. S. SONAK, J.

TARI AMRUT NAGESH Digitally signed by TARI AMRUT NAGESH
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