

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.398 OF 2022

IN

FIRST APPEAL NO.176 OF 2003

DAMODAR NAGESH

ALAVANI AND ANR.

....APPLICANTS

Versus

DEPUTY COLLECTOR AND S.D.O.

PONDA-GOA AND ANR.

....RESPONDENT

Mr Sameer P. Khedekar Advocate for the Applicants.

Mr G. Shetye, Additional Government Advocate for the Respondents.

CORAM: M. S. SONAK, J.

DATE : 14th JULY 2023

P.C. :

- 1.** Heard Mr Khedekar for the applicants and Mr Shetye, learned Additional Government Advocate for the respondents – State.
- 2.** This is an application for withdrawal of the compensation amount deposited in this Court to the account of First Appeal No.176/2023 and 224/2023.
- 3.** In terms of the judgment and order dated 22.09.2010, disposing of the appeal, the amount deposited became payable to Shri Naguesh Alavani and Smt. Mangala Naguesh Alavani, parents of Damodar and Krishnanath Alavani (applicants herein).

4. The application is bereft of details but Mr Khedekar fairly admits that the applicants have other siblings. Mr Khedekar, however, submits that the applicants' parents left behind a Will in terms of which compensation amount becomes payable exclusively to the applicants.

5. Considering that this is a Misc. Civil application in a disposed of matter and, further, the other siblings are not before the Court, it would be appropriate if the applicants are relegated to execution.

6. Mr Khedekar states that execution proceedings would be lodged by the applicants within 6 weeks from today. Upon lodging such execution proceedings, the applicants to give a necessary intimation along with case number and other details to the Registry. On receiving such details and verification thereof, the amount deposited by the State in this Court must be transferred to the Executing Court.

7. The Executing Court to consider and dispose of the execution application on its own merits and in accord with law.

8. This Misc. Civil application No.398/2022 is disposed of in the above terms.

M. S. SONAK, J.

NITI K
HALDANKAR

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