

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.611/2023

IN

SECOND APPEAL NO.37/2019

**CAETANO CAMILO BARRETO
AND ANR.**

... APPLICANTS

Versus

PEDRO FERNANDES AND 3 ORS.

... RESPONDENTS

Mr E. Dias, Advocate for the Applicants.

Mr A. D. Bhobe with Ms A. Fernandes, Advocates for the Respondents.

CORAM: M. S. SONAK, J.

DATED: 19th JANUARY 2024

P.C.:

1. Heard Mr E. Dias for the Applicants and Mr A. D. Bhobe for the Respondents.

2. On 01.12.2022 this Court made the following order based on the statement of Mr B. Sardessai, learned counsel for the appellant:

*“1. Mr. Sardessai, on behalf of the Applicant, states that the Applicant, to show his bonafides and to secure a postponement of the execution, will deposit in this Court an amount of *2,00,000/- by 5 December 2022. If such an amount is indeed deposited, after giving due intimation to the learned Counsel for the Respondents, the Executing*

Court to postpone the execution proceedings to a suitable date in January 2023.

2. Mr. Sardesai states that in the mean while, the parties will explore a possibility of an amicable settlement. If, no such settlement is reached, then, the Applicant will have no difficulties in the Respondents withdrawing the deposited amount.

3. If the amount is not deposited, then, the Executing Court to proceed with the execution in accord with law.

4. Stand over to 12 January 2023.”

3. Now, this application seeks leave to withdraw this amount of ₹2 lakhs on the ground that neither was any settlement reached nor is execution complete.

4. Paragraph 2 of the order dated 01.12.2022 was quite clear. Accordingly, leave is granted. The applicant to withdraw the amount of ₹2 lakhs deposited in this Court along with accrued interest if any.

5. The applicant will have to furnish his bank details so that the Registry could directly transfer this amount into the applicant's bank account. The Registry will transfer the money through banking channels only.

6. Civil Application No.611/2023 is disposed of.