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IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION NO.186 OF 2025
IN
FILING APPEAL NO.98 OF 2008

Filomena Da Francisco (expired) and 3
Ors.

... Applicants

Versus

The Deputy Collector And S.D.O.
And L.A.O. Panaji And
Anr.

... Respondents.

Mr Galileo Teles, Advocate with **Ms Natasha Rai, Advocate**
for the Applicants.

Mr Tukaram Gawas, Additional Government Advocate for
the Respondents.

CORAM : BHARATI DANGRE, J

DATED : 26th SEPTEMBER, 2025.

P.C.

1. The Miscellaneous Civil Application seek the following reliefs:

“a) Direct the Registry of this Hon’ble Court to pay the amount due on the Award dated 29/11/2007 along with accrued interest till date by issuing a cheque in favour of Applicant No.2 (Dr. Jaime Victor Filomeno da Piedade Rangel).”

2. On hearing Mr Teles, the learned Counsel for the Applicant, and Mr Gawas, the learned Additional Government, I have perused the application with the aforesaid relief.

The averments in the application are that the original Respondents in First Appeal No.98 of 2008 which raise a challenge to the Judgment and Award dated 29.11.2007 passed by the District Judge-I, North Goa, at Panaji in Land Acquisition Case No.34/2006 when a reference under Section 18 of the Land Acquisition Act, 1894, was partly allowed and the compensation was enhanced.

The First Appeal No.98/2008 and the Cross Objection No.13 of 2008 was dismissed by judgment and order dated 02.09.2013 as the Court was of the view that no case for interference was made out.

During the pendency of the Appeal, an application for grant of stay to the impugned Award was filed and this Court granted stay subject to the Appellant depositing the amount under the Award along with the accrued interest and in furtherance of the order dated 17.04.2008, the amount of Rs.15,33,170/- was deposited in this Court and it was subsequently invested in Fixed Deposit.

3. It is the submission of the learned Counsel for the Applicant that the Judgment and Award dated 29.11.2007 has now attained finality as the First Appeal No.98 of 2008 filed by the State is dismissed on

02.09.2013 and therefore the Applicants for withdrawal of the amount which is deposited in this Court.

4. In the application it is stated that the Applicant No.1 demised on 28.12.2022 and her husband pre-deceased her. Copy of the Death Certificates of Applicant No.1 and her husband are placed on record.

Pursuant to the death of Applicant No.1, the surviving heirs are Applicants No.2, 3 and 4 and the application proceed to state that the Applicants No.3 and 4 have accorded their no objection for permitting the amount to be withdrawn by the Applicant No.2 and affidavit-cum-no objection on behalf of Applicants No.3 and 4 is annexed at Exhibit C and D, respectively.

5. Since the Applicant No.3 and 4 have agreed that the amount deposited in this Court shall be permitted to be withdrawn by the Applicant No.2 as they have already executed Deed of Renunciation, the prayer clause in the application seek withdrawal of the amount by Applicant No.2.

6. The learned Additional Government Advocate representing the Respondents, on instructions, do not dispute the factual scenario as stated in the application and since it is accompanied with the necessary no objection from the Applicant No.3 and 4 and also in the wake of the

fact that it is not disputed that the amount deposited as an amount under Award is invested in the Fixed Deposit pursuant to it being deposited in this Court.

In the wake of the aforesaid circumstances, the application is allowed in terms of prayer clause (a) and the Registrar of the Court is directed to credit the amount deposited by the State along with the interest accrued thereon, in favour of the Applicant No.2.

Miscellaneous Civil Application No.186 of 2025 is disposed of.

BHARATI DANGRE, J.