



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO.229 OF 2025

GUIDO LOYALA FURTADO

... APPLICANT

Versus

**NATIONAL INSURANCE CO. LTD., THR.
ITS DIV. MAN., MONIKA SIDHU**

... RESPONDENT

Mr. Joaquim Godinho, Advocate for the Applicant.

Ms. Yadika Mandrekar, Advocate for the Respondent.

CORAM:- VALMIKI MENEZES, J.

DATED :- 25th September, 2025

P.C.:

1. This is an application to release the mesne profit in the amount of Rs.1,23,61,707/- awarded by the trial Court from the year 1996 till November, 2013 and deposited in this Court. The possession of the premises has been handed to the Applicant/ landlord on 15.11.2013. The application has been opposed by the learned Counsel for the Respondents /Original Appellants herein on the sole ground that the mesne profit awarded are extremely high, and the Appellant has a good chance in succeeding in appeal. According to the Respondent, it was paying an amount of Rs. 17, 302/- per month as rent until the suit was filed. The eviction was granted by the Trial Court on grounds that the lease stood terminated by efflux of time on 31.10.1995. Despite

termination, the respondent chose to continue in occupation of the premises from 1995 till 2013, for which mesne profit have been granted at the rate Rs.74,400/- per month, which was determined as the enhanced rent as per the market rent from the years 1995 to 2013.

2. Considering that the occupation of the Respondent after the year 1995 on determination of the lease was at their own risk, there is no reason why this application should not be granted on the Applicants being put to terms to execute an undertaking in the usual form, on withdrawing the amount.

3. Consequently, the application is allowed. On the Applicant filing an undertaking in the usual form, as an undertaking to this Court that in the event the Appellant succeeds in the appeal, the Applicant would refund the money to the Account of this Court, the Registry shall release the amount of Rs.1,23,61,707/- with interest accrued thereon from the date of deposit directly into the account of the Applicant/Original Respondent. Details of which are given below:

Name : Jose Inacio Guido De Loyola Furtado

Name of Bank: Yes Bank

Branch : Panaji

IFS Code: YESB0000027

A/C No.: 002790100001680

4. Registry to comply with this order within two weeks from the undertaking being furnished.

5. Application stands disposed of.

VALMIKI MENEZES, J.