



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

**CIVIL APPLICATION NO.59 OF 2025
IN
FIRST APPEAL NO.122 OF 2018**

DEPUTY COLLECTOR AND
LAND ACQUISITION
OFFICER, MARGAO AND ANR. ... Petitioners.

Versus

MUKTABAI NAGUESH
MALKARNEKAR AND 3 ORS. ... Respondents.

Ms. Sulekha Kamat, Additional Government Advocate for the
Petitioners.

Mr. C.A. Coutinho, Senior Advocate with Mr. Ivan Santimano,
Advocate for the Respondents.

CORAM: VALMIKI MENEZES, J.

DATED: 18th November, 2025

P.C:

1. Registry to waive office objections and register the matter.
2. Mr. Ivan Santimano would be appearing for all the Respondents and would file their Wakalatnama within two weeks.
3. After hearing the matter, I proceed to pass the following order:
 - a) The amount of Rs.81,99,910/- deposited by the Executive

Engineer, Works Division XIV (NH), PWD, Fatorda before the Executing Court i.e. District Judge-2, Margao, in Execution Proceedings No.45/2023 (deposited on 06.11.2023) on oral request made by the Respondents shall be released by the Executing Court on an application being filed by the Respondents (Original Decree Holders) in terms of the shares stated in the application preferably within a period of six weeks from today. The amount released to the Respondents shall be taken into consideration on the final disposal of the present Appeal. The Respondents shall also furnish to the Executing Court an undertaking which shall also operate as an undertaking to this Court that the amount released to them would be refunded to the Appellants herein in the event the Appellants succeed in this Appeal.

- b) The Appellants had deposited an amount of Rs.50,53,675/- on 14.08.2008 in the earlier Appeal filed, i.e. First Appeal No.139/2008, in which the case was remanded back by Judgment dated 24.07.2014 to the District Court; it is the fresh Award dated 23.10.2015 which is now impugned in this Appeal. The Applicants have requested that the amount deposited in First Appeal No.139/2008 in the Registry of this Court on 14.08.2008 with accrued interest on the Fixed Deposit created at the relevant time be treated as a deposit to secure the Award in the present Appeal. Consequently,

the Registry shall make an endorsement to treat the amount of Rs.50,53,675/- with accrued interest in First Appeal No. 139/2008, which was disposed of, as the amount deposited against the present First Appeal and Civil Application No.59/2025. The Fixed Deposit shall continue and shall not be broken until the disposal of this Appeal. The calculation of the principal amount deposited with the interest thereon shall be placed in the file to enable this Court to do the adjustments, if required, at the time of final disposal of this Appeal. It is made clear that the calculated amount, i.e. Principal plus interest accrued on the Fixed Deposit, shall be considered as the deposit in this case, commencing from the date of this order, i.e. 18.11.2025.

4. As a consequence of this order, on the release of the amount deposited before the Executing Court, the Execution Application No. 45/2023 before the District Judge-2 shall be stayed until the disposal of the present First Appeal.

5. Application stands disposed of in the above terms.

VALMIKI MENEZES, J.