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IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.280 OF 2024
IN
FIRST APPEAL NO.68 OF 2017
WITH
MISC. CIVIL APPLICATION NO.281 OF 2024
IN
FIRST APPEAL NO.66 OF 2017

JUNAID ADMANI ... Applicant.

Versus

NATIONAL INSURANCE CO. LTD.,
THR. ITS DIVISIONAL MANAGER ... Respondent.

Mr Ajit Kantak, Advocate for the Applicant.

Ms Yadika Mandrekar, Advocate for the Respondent.

CORAM: VALMIKI MENEZES, J.
DATED: 2nd August, 2024

P.C:

1. This is an application to release an amount of Rs.50,00,000/- with accrued interest retained in this Court under Order dated 24.08.2023. The amount is the residue from the proceedings of a Motor Accident Claims Tribunal Award made in favour of the Applicant, who at the relevant time was a minor.
2. By this Court's order dated 24.08.2023, it was recorded therein that approximately an amount of Rs.44,00,000/- had been released till then, in favour of the Applicant which was, according to the Applicant, applied towards purchase of a shop bearing No.5 described in Schedule - IV under

Sale Deed dated 04.07.2023 annexed at page 17 of the application.

3. Under the said sale deed, the Vendor Mohammed Hanif sold the aforementioned shop to the Applicant for a total consideration of Rs.1,55,00,000/-, for which the Applicant states that he had paid an amount of Rs.75,00,000/- to the Vendor and issued a cheque in his favour to secure the balance amount of Rs.78,45,000/- which was due to be paid under the cheque referred to at clause 1(b) of the said sale deed.

4. This Court had released part of the compensation under order of 24.08.2023 after directing deposit of the balance sum of Rs.50,00,000/- to be released at a later date, considering the young age of the Applicant. This application now seeks the release of the balance amount of Rs.50,00,000/- with accrued interest to partly cover the second payment of Rs.78,45,000/- due under clause 1(b) of the said sale deed in favour of the Vendor.

5. The Respondent Insurer has no objection to the release of this amount in favour of the Applicant.

6. On the statements made in the application and considering that the Applicant requires this amount to complete the purchase of the said shop, it would be necessary to release the amount of Rs.50,00,000/- with interest accrued thereon as deposited in the Registry of this Court on the following conditions:-

- a) The Applicant shall file a solemn undertaking before this Court stating that the amount of Rs.50,00,000/- along with accrued interest would be used exclusively for the completion of the purchase of Shop No.5 described in Schedule – IV of the deed of

sale dated 04.07.2023.

b) The affidavit shall be filed by Mr Mohammed Hanif, the Vendor under the aforementioned sale deed within a period of 15 days from the passing of this order making specific statements as to the receipt of the consideration which includes the amount released under this order, to complete the sale transaction under deed of sale dated 04.07.2023; The affidavit shall specify the account details wherein the said consideration of Rs.78,45,000/- has been received by him.

7. The application is allowed on the above terms and conditions. The Registry shall transfer the amount of Rs.50,00,000/- with accrued interest to the account details of which are:

Account Holder's Name:	Junaid Admani
Bank Name:	Bank of Baroda
Account No.:	04860100026029

8. Application stands disposed of.

VALMIKI MENEZES, J.