

Amrut



IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.2392 OF 2025 (Filing No.)

MR CHURCHILL BRAZ ALEMAO

...Petitioner

Versus

MR CAMILO SEBASTIAN NOLASCO
MENEZES.

...Respondents

Mr. C.A. Ferreira, Senior Advocate with Mr. Sujay Kamulkar and
Mr Shane Pereira, Advocates for the Petitioner.

Mr. Jatin Ramaiya with Mr. Omkar Parab, Advocates for the
Respondent.

CORAM: DR. NEELA GOKHALE, J.

DATED : 28th APRIL 2026

P.C.:

1. By order dated 17th April 2026, Mr Ramaiya was to take instructions as to whether the Respondent was ready and willing to accept Rs. 50,000/- as a full and final settlement.
2. Today, Mr Ramaiya has informed the Court that the Respondent does not agree. Accordingly, I have proceeded to hear the matter on merits.

3. The Petitioner seeks to quash and set aside the order dated 9th July 2025, passed in Execution Proceedings No. 7/2014/F, by the Civil Judge, Junior Division, F-Court, at Mercers Goa. The short point in dispute is whether the amount deposited by the Petitioner in instalments, in satisfaction of the decretal amount, as per the Judgment and order dated 30th May 2013, is to be treated as the principal amount or adjusted towards interest on the principal amount.

4. During the hearing of the matter, the parties have reached a consensus on the method for calculating the amount to be deposited by the Petitioner towards the settlement of the decree. The method of calculation will be as under:

(1) The date of the decree is 30th May 2013. The District Court has directed the Petitioner to pay an amount of Rs.13,85,000/- along with interest at the rate of 6% per annum from January 2000 till the actual payment of the entire amount, within a period of two months from the date of the judgment;

(2) The Petitioner started paying the decretal amount in instalments. The first payment was made in October, 2016. Thus, for the period from 30th May 2013 till October,

2016, interest at the rate of 6% per annum shall be calculated on the amount of Rs. 13,85,000/-. This interest component from January 2000 till October 2016 amounts to Rs. 11,49,740/-. Thus, the Petitioner is to pay Rs. 25,34,740/- up to October, 2016, which includes interest;

(3) The Registrar (J) of this Court is requested to make a computation of the total amount to be paid by the Petitioner to the Respondent to date in the following manner:-

(i) From November 2016 to date, the Registrar (J) shall compute the interest using the reducing-balance method, taking Rs. 13,85,000/- as the principal amount. This is to be done since the Petitioner has made payments of the principal amount of Rs. 13,85,000/- in instalments.

(4) The Registrar (J) is to calculate the amount due and payable by the Petitioner to the Respondent and furnish a report to this Court within one week.

5. Stand over to 5th May, 2026.

6. Needless to state that both parties shall cooperate with the Registrar (J) and assist him in the said computation.

DR. NEELA GOKHALE, J