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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR**

**CIVIL APPLICATION (F) NO.1652 OF 2017
IN
FIRST APPEAL NO. 1126 OF 2012**

The General Manager, Western
Coalfields Ltd., North Bhallar
Colony, Tal. Wani,
Dist. Yavatmal.

..APPELLANT

VERSUS

Mahadeo Raghoba Todase,
Aged 50 years, Occ: Agri.,
R/o. Surla, Tq. Wani
and Dist. Yavatmal & ors.

..RESPONDENTS

Mr Ramesh Darda, Advocate for appellant;
Mr S.O. Ahmed, Advocate for respondent No.1;
Mrs. Kalyani Deshpande, A.G.P. For respondent Nos.
2 and 3

CORAM : N.W. SAMBRE, J.

DATE : 4th APRIL, 2017

ORAL ORDER :

This is an application by the respondent
No.1-claimant for withdrawal of the amount
deposited in this Court.

2. The prayer for withdrawal of the amount is
resisted by Mr. Darda, learned Counsel for the
appellant on the ground that the Reference Court

(2)

has granted exorbitant enhancement.

3. In my opinion, having considered the judgment delivered by the Reference Court, it will be appropriate to permit respondent No.1-claimant to withdraw the amount of 75% of the deposited amount before this Court on filing of the usual undertaking that in case the appeal is allowed, he shall re-deposit the amount as directed by this Court.

4. So far as balance amount of 25% is concerned, same to be deposited in fixed deposit in any nationalized bank initially for the period of three years.

5. Civil Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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