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

**CIVIL APPLICATION NO. 1988 OF 2017
IN
FIRST APPEAL NO. 1251 OF 2016**

Jaibharat Govindrao Thombare ..APPELLANT

VERSUS

Sheru alias Faiyajkhan Babukhan
Pathan & ors ..RESPONDENTS

Mr R.B. Puranik, Advocate for appellant;
Mr U.J. Deshpande, Advocate for respondent No.1;
Mr D.M. Kale, Advocate for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 3rd MAY, 2017

ORAL ORDER :

Mr Deshpande, learned Counsel for respondent No.1 undertakes to serve copy of the application on Mr. Kale, learned Counsel for respondent No.2.

2. For the reasons disclosed in the application, which is objected by original appellant, in my opinion, the application needs to be allowed.

(2)

3. The applicant-respondent No.1 is permitted to withdraw amount to the extent of 70% upon furnishing usual undertaking to the satisfaction of the Registrar (Judicial).

4. The application is allowed in above terms.

(N.W. SAMBRE, J.)

Tupe