



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

REVIEW APPLICATION (CIVIL) NO. 30 OF 2024
IN FA/2396/2023

NAVNATH JAGANNATH KAWADE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

...
Advocate for Applicant : Mr. Datta A. Madake
AGP for Respondents No.1 and 3 : Mr. A. A. A. Khan
Advocate for Respondent No.2 : Mr. S. C. Arora
Advocate for contesting Respondents : Mr. R. B. Rakhunde
...

CORAM : S. G. MEHARE, J.
DATE : 04-09-2024

PER COURT :-

1. Heard the learned counsel for the respective parties.
2. This review application is filed against the order of this Court allowing the claimants to withdraw the amount deposited with this Court in the first appeal. There were eight share-holders in the family. Therefore, considering equal share, the Court allowed them to withdraw 1/8th share each.
3. Now, the learned counsel for the applicant who was owner of the land, contended that he sold 80 R land of his share to respondent No.9 - Umesh s/o. Shridhar Kawade and father of original owners had sold 80 R. land to respondent No.10 - Kusumbai w/o. Shridhar Kawade. Hence, both purchasers are not entitled to receive the share more than land they had purchased.

However, inadvertently they have received more share than they were entitled.

4. The learned counsel for the contesting respondents submits that after receiving money by them they have apportioned their shares in the family.

5. After having gone through the submissions and facts of the case, it appears that respondents No.9 and 10 had purchased 80 R. land each only. Inadvertently, they have paid more share than they were entitled. Hence, the review application deserves to be allowed. Hence, the order:-

ORDER

- i) The review application is allowed.
- ii) The order passed by this Court in Civil Application No.783 of 2022 in FA/2396/2023, dated 19.01.2024, is modified as follows:-
 - “Respondents No.9 and 10 should deposit money which they have received excess than 80 R land each, within a month from today.”
- iii) After depositing the amount, it will be apportioned as per the law.

**(S. G. MEHARE)
JUDGE**