

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11215 OF 2023
IN FA/4399/2023

Narayan Nivruti Shevale And Another

VERSUS

The State of Maharashtra Through the Collector, Osmanabad and Ors

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Advocate for Applicants : Mr. P.B. Rakhunde

AGP for Respondents/State : Mrs. M.L. Sangit

Advocate for Respondent No.3 : Mr. Arora Shyam C.

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CORAM : S.G. MEHARE, J.

DATED : APRIL 19, 2024

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel for the respondent.
2. After having the stay of this Court to the execution, the Executing Court allowed the prayer of the petitioner to withdraw the amount to the extent of 50% against the prayer to withdraw 80% of the amount. Now, learned counsel for the applicants submit that the applicants are senior citizens. Hence, they may be allowed to withdraw further 25% of the amount.
3. Learned counsel for the petitioners submits that since this Court has granted stay, they cannot move an application before the Executing Court. Such arguments are absurd.
4. The Executing Court has already considered the application for withdrawal and granted 50% of the amount against

the prayer of 80%. In view of this fact, there appears no substance in the argument of the learned counsel for the petitioner that they cannot move an application before the Executing Court. Be that as it may, the reasons for further withdrawal are also not sound. Hence, the application stands dismissed.

(S.G. MEHARE, J.)