



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

**CIVIL APPLICATION NO. 1280 OF 2026  
IN  
FIRST APPEAL NO. 4399 OF 2023**

Narayan Nivrutti Shevale and another .. Applicants

**Versus**

The State of Maharashtra, through the  
District Collector Osmanabad and others.. Respondents

Shri Pravin B. Rakhunde, Advocate for the Applicants.  
Shri N. D. Raje, A.G.P. for the Respondent Nos. 1 and 2.  
Shri Shyam C. Arora, Advocate for the Respondent No. 3.

**CORAM : SHAILESH P. BRAHME, J.  
DATE : 02ND FEBRUARY, 2026.**

**FINAL ORDER :**

. Heard both sides.

2. Applicants seek to withdraw balance amount of 50% with accrued interest which is lying with the Reference Court. It is brought to my notice that initially prayer for disbursement of amount was rejected by the Executing Court, but lateron they were permitted to withdraw 50% of the amount. They approached this Court seeking disbursement of entire amount. Application is rejected on 19<sup>th</sup> April, 2024.

3. In the above backdrop, learned counsel for the applicant

seeks direction to disburse remaining amount on the ground that the self same Reference Court permitted disbursement of entire amount in two matters.

4. Mr. Arora, learned counsel for the respondent – acquiring body would oppose the submissions and the application. He would submit that any further disbursement will amount to review of the order dated 19.04.2024.

5. I have gone through order dated 19.04.2024. It was not brought to the notice of this Court that similarly situated claimants were permitted to receive entire amount with accrued interest by the Executing Court.

6. It is apparent discriminatory treatment on the part of the Executing Court to disburse only 50% of the amount in the present matter. In view of these circumstances, applicants are entitled to receive balance amount. The civil application is allowed partly permitting the applicants to receive balance amount with accrued interest on furnishing solvent surety/security to the satisfaction of the Executing Court. The civil application is disposed of.

**[ SHAILESH P. BRAHME J. ]**

*bsb/Feb. 26*