



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

79 CIVIL APPLICATION NO. 7326 OF 2025
IN SECOND APPEAL NO. 61 OF 2023

VIKAS SAHAKARI SAKHAR KARKHANA LTD THROUGH ITS
MANAGING DIRECTOR

VERSUS

PRABHAKAR SHIVAM MANGRULKAR A FIRM THROUGH
PROPRIETOR PRABHAKAR SHIVAM MANGRULKAR DEAD
THROUGH L.RS. PRATIBHA PRABKAR MANGRULKAR AND
OTHERS

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Mr. Ashwin V. Hon – Advocate for Applicant

Mr. Arn G. Pawar h/f. Mr. Rahul R. Deshmukh – Advocate for
Respondent Nos.1A to 1D

Mr. Shahaji B. Ghatol Patil – Advocate for Respondent No.2

Mr. Shivraj Akhare h/f. Mr. Vikram Kadam – Advocate for
Respondent No.5

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CORAM : SHAILESH P. BRAHME, J.

DATE : 28.07.2025

PER COURT :

1. Heard both sides.
2. This is an application filed for releasing the bank guarantee furnished by the applicant in lower Appellate Court in the proceedings of Regular Civil Appeal No. 5 of 2019. The applicant, who is original defendant, has suffered a money decree for amount of Rs. 29,69,002.91/- with interest by concurrent judgments. The

applicant had furnished a bank guarantee in lower Appellate Court while securing stay to the execution and implementation of the decree passed by the Trial Court. Against the decree passed by the lower Appellate Court, the present Second Appeal is preferred alongwith Civil Application No. 2183 of 2023. After hearing both sides, by order dated 17.03.2023, this Court granted stay to implementation and execution of judgment and decree dated 01.12.2018 without imposing any condition. It is the submission of applicant that the bank guarantee furnished before lower Appellate Court shall be released and permitted to be taken back.

3. The application is contested by the respondents. Learned Counsel for the respondents would oppose the return of the bank guarantee.

4. By express and reasoned order this Court granted stay to implementation and execution to decree dated 01.12.2018, without imposing any condition, *albeit* with certain liberty and clarification.

5. As the proceedings before the lower Appellate Court are terminated there is no point in retaining the bank guarantee furnished by applicant. This Court is seized of the record and

proceedings of the matter. I do not find any impediment in allowing the application.

6. Civil Application is allowed in terms of prayer clause 'A' with further direction to the office to send back the record and proceeding to District Judge – 1, Udgir in Regular Civil Appeal No. 5 of 2019 so as to enable the applicant to receive the bank guarantee.

7. After the exercise is over, the record shall be immediately sent back to this Court.

8. This exercise shall be completed within a period of four (4) months from today.

[SHAILESH P. BRAHME]
JUDGE

Pooja Kale