

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL (ST) NO.32644 OF 2024
WITH
INTERIM APPLICATION NO.10502 OF 2025
IN
SECOND APPEAL (ST) NO.32644 OF 2024

Sanjay Bhikaji Patil

...Appellant

Versus

Shahu Shikshan Prasarak Seva

Through Trustee Gulabrao Dharmaji Pol

...Respondent

Mr. S. S. Yadav, for the Appellant.

Mr. M. V. Thorat a/w Mr. D. B. Suralkar, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 28th JULY 2025

P.C.:

1. After arguing the Second Appeal for some time, Mr. Yadav, learned Counsel appearing for the Appellant, seeks withdrawal of the Second Appeal. However, he only states that the learned Trial Court, by the impugned Judgment and Decree dated 2nd April, 2019, has directed payment of interest at the rate of 18% per annum from 31st July, 2015 till full and final realization of the principal amount of Rs.20,00,000/-. The said Judgment and Decree of the learned Trial Court is confirmed by the learned Appellate Court. He states that said interest amount be reduced.

2. Mr. Thorat, learned Counsel appearing for the Respondent states that reasonable interest be directed to be paid.

3. Accordingly, by consent of parties following order is passed.

O R D E R

(i) The Second Appeal challenging legality and validity of the impugned Judgment and Decree dated 6th August, 2024 passed by the learned District Judge, Kolhapur in Regular Civil Appeal No.129 of 2022 as also Judgment and Decree dated 2nd April, 2019 passed by the learned 6th Joint Civil Judge, Senior Division, Kolhapur in Summary Civil Suit No.11 of 2017 is allowed to be withdrawn and dismissed as such, subject to modification as set out herein.

(ii) Although, the Second Appeal is dismissed, the Judgment and Decree of the learned Trial Court as confirmed by the learned Appellate Court is partly modified by modifying Clause No.(2) of operative part of the decree passed by the learned Trial Court, in the following manner:-

(a) Defendant to pay an amount of Rs.20,00,000/- to the Plaintiff along with interest at the rate of 9% per annum from 31st July, 2015 till full and final realization thereof.

4. Mr. Yadav, learned Counsel appearing for the Appellant, on instructions of the Appellant, states that the entire decretal amount along with interest will be paid to the Respondent on or before 5th September, 2025. The said statement made by Mr. Yadav, learned Counsel for the Appellant, on instructions, is accepted as undertaking given to this Court.

5. Accordingly, the Second Appeal is dismissed, however, subject to above modification.

6. In view of disposal of the Second Appeal nothing survives Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]