IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 134 OF 2026
IN
SECOND APPEAL (ST) No.20901 OF 2022

Shri. Collection through Proprietor,
Kishore Ramchandra Padalkar ….Applicant

IN THE MATTER BETWEEN

Ashok Laxman Howal ….Appellant

VERSUS

Shri. Collection through Proprietor,
Kishore Ramchandra Padalkar and Anr. ....Respondents

SHANTANU SHANKARSA DHUDUM
Digitally signed by SHANTANU SHANKARSA DHUDUM
Date: 2026.10.17 14:47:32 +0530

Mr. Sharad T. Bhosale a/w Mr. Amar P. Dhumal i/b Mr. Ajinkya Dubal, for Applicant and for Respondent No.1 in SA(ST)/20901/2022.
Mr. Manoj A. Patil a/w Ms. Ankita D. Mali i/b Mr. Shubham R. Dhenge, for the Appellant in SA(ST)/20901/2022.

CORAM : ASHWIN D. BHOBE, J.
DATE : 16th OCTOBER, 2026.

P.C.

1. Heard Mr. Sharad T. Bhosale, learned Advocate for the Applicant (Kishore Ramchandra Padalkar in Interim Application No.134 of 2026), and Mr. Manoj Patil, learned Advocate for the Appellant in Second Appeal (Stamp) No. 20901 of 2022.

2. By this Application, the Applicant has made the following prayer:

"a) The applicant be granted permission and liberty to withdraw decretal amount of Rs.3,22,539/- (Three lakhs twenty two thousand five hundred and thirty nine only) deposited by the appellant in the trial court."

3. Mr. Manoj Patil, learned Advocate for the Appellant in Second Appeal (Stamp) No. 20901 of 2022, submits that he has an objection to the withdrawal of the entire amount deposited in this Court. However, he fairly submits that, if the Applicant (Kishore Ramchandra Padalkar) is desirous of withdrawing the principal amount of Rs. 1,37,887/-, subject to an undertaking that, in the event the Appellant succeeds in the Second Appeal, the Applicant in Interim Application No.134 of 2026 shall refund the said amount, the Appellant does not oppose the withdrawal of Rs. 1,37,887/-.

4. Mr. Sharad T. Bhosale, learned Advocate for the Applicant (Kishore Ramchandra Padalkar), states that the Applicant is in dire need of money and, therefore, restricts his prayer for withdrawal to Rs. 1,37,887/-. He submits that the Applicant shall furnish an undertaking to the effect that, in the event the Appellant succeeds in the Second Appeal, the amount of Rs. 1,37,887/- shall be refunded. He tenders an affidavit of undertaking dated 23rd September 2026, same is taken on record and marked as "X" for identification. He states that a copy thereof has been furnished to Mr. Manoj Patil, learned Advocate for the Appellant in Second Appeal (Stamp) No. 20901 of 2022.

5. Mr. Manoj Patil, learned Advocate for the Appellant in Second Appeal (Stamp) No. 20901 of 2022, states that the Appellant is satisfied with the undertaking given by the Applicant in paragraph No.5 of the affidavit marked with “X”. He submits that the statements made therein may be accepted as an undertaking to this Court.

6. Mr. Sharad T. Bhosale, learned Advocate for the Applicant (Kishore Ramchandra Padalkar), submits that the statements made by the Applicant in the affidavit of undertaking (“X”) may be accepted as an undertaking to this Court. At the request of Mr. Sharad T. Bhosale, learned Advocate for the Applicant (Kishore Ramchandra Padalkar), the statements made by the Applicant in the affidavit of undertaking (“X”) are accepted as an undertaking to this Court.

7. In view of the above, and more particularly, the undertaking given by the Applicant, the Application is allowed. The Applicant is permitted to withdraw an amount of Rs. 1,37,887/-, subject to the undertaking recorded hereinabove.

8. The Registry of this Court is directed to release an amount of Rs. 1,37,887/- to the Applicant from the amount deposited by the Appellant in this Court.

9. Interim Application No.134 of 2026 is disposed of accordingly.

(ASHWIN D. BHOBE, J.)

Shantanu S. Dhudum