

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 12410 OF 2025**

Rashidkhan Babasaheb Jamadar

...Petitioner

vs.

Dilip Tavnappa Kemble and anr

...Respondents

Ms. Shama Mulla for the petitioner

Mr. T. S. Ingale i/b Mr. S. M. Patil for respondent nos. 1 and 2

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 5th JANUARY 2026.

P.C.

1. By this petition, the petitioner challenges the order passed by the learned III Joint Civil Judge, Senior Division, Sangli thereby rejecting the application filed by the petitioner-defendants requesting to grant permission to deposit the cost as per the order below Exhibit 79.

2. Heard learned counsel for the petitioner and learned counsel for the respondents who has vehemently opposed the prayer of the petitioner, stating that there are arrears of more than Rs. 20 Lakhs against the petitioner towards leave and licence fee.

3. Learned counsel for the petitioner states that the said amount is subject matter of different proceedings and the High

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Court's order is challenged before the Hon'ble Apex Court.

4. In view of the averments made in the petition and the arguments advanced across the bar, this Court is of the view that reasonable and fair opportunity needs to be given to the petitioner. However, it appears that the petitioner is prolonging the matter. Hence, the Writ Petition deserves to be allowed by imposing heavy cost.

5. In the result, the Writ Petition is allowed. The impugned order dated 20th March 2025 passed by learned III Joint Civil Judge, Senior Division, Sangli below Exhibit 91 is hereby quashed and set aside. Exhibit 79 is allowed subject to petitioner paying cost of Rs. 10,000/- to the respondents in the Trial Court.

6. Parties to appear before the Trial Court on 12th January 2026. No adjournment shall be granted to either of the parties. The Trial Court to decide the matter expeditiously.

(NITIN B. SURYAWANSHI, J.)