

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1417 OF 2026

Vijay Ravso Bhosale And Ors.

VERSUS

Babaso Shankar Bhosale

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Mr. S. C. Mangle a/w Mr. Ashitosh S. Jambilkar, Advocate for Applicant.

Mr. J. P. Patil, AGP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th APRIL, 2026.

P. C. :

1. Heard.
2. The Petitioners have raised an exception to the common order rendered by the learned Civil Judge Senior Division, Kolhapur below Exhibits 5 and 6 in Civil Misc. Application No.105 of 2026 wherein the application for stay to the Special Darkhast No.34 of 2019 presented by the petitioner came to be allowed subject to deposit of Rs.9,00,000/- within a period of ten days.
3. Learned counsel for the Petitioners submits that, pursuant to the order passed by this Court in Writ Petition No. 9743 of 2022, so

as to ensure the opportunity to the Petitioner, the ex parte decree came to be set aside and the Petitioner was permitted to put forth its case. Accordingly, the learned Civil Judge, Senior Division, has allowed the application preferred by the Petitioner; however, it was subject to a stipulation to deposit an amount of Rs. 9,00,000/-, as a condition precedent, within 10 days from the date of the order. The said order is under challenge before this Court.

4. Learned counsel for the Petitioner further submits that the execution proceedings presented on the basis of the ex parte decree have been reconsidered, wherein the Petitioner has been permitted to participate; however, the Petitioner has been directed to deposit an amount of Rs. 9,00,000/-. It is submitted that the Petitioners are not in a financial position to deposit such a huge amount within a short span of time; however, the Petitioners are willing to deposit the said amount.

5. The learned counsel for the Petitioner, on instructions from the Petitioner, who is present in the court submits that the Petitioner would deposit an amount of Rs.9,00,000/- within a period of two months from today.

6. Considering the aforesaid reason, the said statement is

accepted as an undertaking to this Court. Apart from the same, the petitioners are directed to file an undertaking to that effect before this Court within a period of one week.

7. It is made clear that, in the event of failure to comply with the aforesaid undertaking, the Petition shall stand dismissed without further reference to the Court.

8. In that view of the matter, issue notice, returnable on 15th June, 2026.

9. In addition to Court notice, the Petitioners are permitted to serve the Respondent privately and shall file an Affidavit of Service.

10. The Executing Court is requested to defer the proceedings in Special Darkhast No.34 of 2019, till returnable date.

[SACHIN S. DESHMUKH, J.]