

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2464 OF 2018
IN
WRIT PETITION NO. 4337 OF 2010**

Shri. Madhukar Gurunath Patil Applicant

In the matter between

The Superintending Engineer Petitioner
Kolhapur Irrigation Circle

Vs.

Shri. Madhukar Gurunath Patil Respondent

Mr. Sachin H. Kankal a/w Mr. Vasant N. More for the Applicant.

**CORAM : S.C. GUPTE, J.
DATE : 11 MARCH 2020**

P.C.:

1. This Civil Application seeks an order of withdrawal of the amount deposited by the Respondent herein (original Petitioner) alongwith accumulated interest.
2. The application has been duly served on the Respondent. None appears for the Respondent.

3. It is noticed from the record that none appeared for the Respondent on the last few occasions. On 5 February 2020, a Senior Clerk from Tilari Dam, Sub-Division Tilari Nagar, Taluka Chandgad, District Kolhapur appeared on behalf of the original Petitioner. Learned counsel appearing for the original Petitioner expressed on that day his inability to represent the Petitioner in view of change in the constitution and management of the Petitioner. The matter was accordingly stood over and the order was passed in the presence of the officer of the original Petitioner present in the Court. Even thereafter the matter appeared on 4 March 2020, when none appeared for the original Petitioner. On these facts, no further accommodation can be granted to the original Petitioner, who is the Respondent to the present Civil Application.

4. Learned counsel for the Applicant (original Respondent) submits that his client can offer a security of his property, in addition to his undertaking to bring back the amount if the writ petition is finally decided against him.

5. Learned counsel produces a 7/12 extract, which shows the Applicant herein as joint owner of a land of about 2 hectares at Malaviwadi, Taluka Chandgad, District Kolhapur.

6. Against the Applicants undertaking not to dispose of his interest in the property at Gat no./Sub Division 305 at Malaviwadi, Taluka Chandgad, District Kolhapur, the Applicant is permitted to

withdraw the amount of back-wages deposited by the Respondent (original Petitioner) in this Court together with accrued interest, if any.

7. Registry shall accordingly permit the Applicant to withdraw the amount. Before such withdrawal, the Applicant shall file usual undertaking not to create any third party interest in respect of his share in the property described above.

8. The Civil Application is disposed of accordingly.

(S.C. GUPTE, J.)