

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1277 OF 2014
IN
FIRST APPEAL NO.434 OF 2010

Kamal Shyamsunder Narang & Ors. .. Applicants
-Versus-
Bombay Municipal Corporation .. Respondents

Mr.Vimlesh Singh i/b. Ashok Gade for applicants
Mrs.Surekha Sonawane for Corporation.

CORAM : K.K.TATED, J.

DATE : 20th March 2015.

P.C.

1] Heard the learned Counsel for parties.

2] This application is preferred by the plaintiffs for a direction to the office of this Court to return the original share certificate issued by the society in respect of the flat No.9, Hansoti Apartment, Came Lane, Ghatkopar (West), Mumbai 400 086 . Learned Counsel for the applicants submits that the original share certificate stands in the name of applicant's father. He submits that the applicant has lost his father recently and, therefore, the share certificate is required to

be transferred in his name. The applicant is ready and willing to file an undertaking cum affidavit in this court that as soon as the necessary changes are effected in the original share certificate he will submit the same to this court for proper custody.

3] Considering the submissions made by the applicant and the averments in the civil application and since the applicant has undertaken to file an undertaking cum affidavit to the effect aforesaid, I am satisfied that the applicant has made out a case for allowing the civil application.

4] Accordingly, following order is passed:-

(A) Civil application is allowed in terms of prayer clause (a), which reads thus:-

“(a) That this Court be pleased to direct the office to return the said original share certificate issued by the society Hansoti Coop. Housing Society Ltd., in respect of his flat i.e. the suit premises tendered by the plaintiff

on furnishing the xerox copy of the same.”

(B) Registry is directed to hand over the original share certificate to the applicant in respect of the suit property after the applicant files undertaking cum affidavit as directed above.

(C) Application disposed of.

(K.K.TATED, J.)