

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

**WRIT PETITION (STAMP) NO.16373 OF 2015**

**Mrs. Indubai Pandurang Dongre and others .. Petitioners**

**Versus**

**Bharti Niwas Co-op. Hsg. Society Ltd. .. Respondent**

**Mr. P. S. Dani, Senior Advocate a/w Mr. Saket Mone i/by Vidhi Partners, for the Petitioners.**

**Mr. S. A. Rajeshirke, for the Respondent.**

**CORAM : R.M. SAVANT, J.**

**DATE : 3<sup>rd</sup> AUGUST, 2015**

**PC.**

1. There are concurrent orders passed by the Court's below in favour of the Respondent and against the Petitioners granting injunction in respect of the 3<sup>rd</sup> and 4<sup>th</sup> floors. In my view, having regard to the reasons mentioned in the order passed by the Co-operative Court as confirmed by the Co-operative Appellate Court which reasons revolve around the legality of the 3<sup>rd</sup> and 4<sup>th</sup> floor on the touchstone of the FSI available, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed. However, having regard to the nature of the controversy involved, it would be just and proper to direct the expeditious disposal of Dispute No.189 of 2006. The hearing of the

said dispute is accordingly expedited and is directed to be disposed of by 28.02.2016. Needless to state that the dispute would be heard and decided on its own merits and in accordance with law uninfluenced by the order impugned in the present Petition.

**[R.M. SAVANT, J]**