

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO.17224 OF 2015**

Raghunath S. Rane & Anr.

..Petitioners

Vs.

Chairman / Secretary & Ors.

..Respondents

Mr. M. S. Mhambre for the Petitioners

Mr. J. M.Chodhankar a/w Mr. Ketan Chotharia for the Respondent No.1

CORAM : R. M. SAVANT, J.

DATE : 15th July, 2015

P.C.

1 The order dated 17-6-2015 passed by the District Deputy Registrar, Co-operative Societies and the Competent Authority rejecting the preliminary objection raised by the Petitioners to the maintainability of the application under Section 11(1) of the Maharashtra Ownership of Flats Act, 1963, is taken exception to by way of the above Petition.

2 The Learned Counsel Mr. Mhambre appearing for the Petitioners on instructions of the Petitioners, states that the Petitioners would withdraw the said applications Exhibit E and Exhibit H filed before the District Deputy Registrar and Competent Authority and that the Petitioners may be granted liberty to raise the objection raised vide the said applications, at the time of the hearing of the main application being No.80 of 2014. In view of the said statement made by the Learned Counsel for the Petitioners, it is not necessary

to consider the impugned order on merits. The impugned order would accordingly stand set aside. The Petitioners would be at liberty to raise the objections which have been raised in the said applications at the hearing of the main Application No.80 of 2014. The Learned Counsel for the Respondent No.1 has no objection to the aforesaid course of action being followed. The District Deputy Registrar is directed to consider the said objections on their own merits and in accordance with law uninfluenced by the fact that by the impugned order the said applications were earlier rejected.

3 With the aforesaid directions, the Writ Petition is disposed of.

4 Needless to state that the contentions of the parties on merits are kept open.

[R.M.SAVANT, J]