

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

WRIT PETITION NO. 11478 OF 2014

Powai Park Co-operative Housing Society Ltd., ... Petitioner.

V/s.

Powai Housing Development Pvt. Ltd., & Ors. ... Respondents.

Mr. Johnson John, Advocate, for the Petitioner.

Mr. C.S. Kapadia i/by Nikhil Randive, Advocate for Respondent No.1.

Mr.S.D. Rayrikar, AGP for Respondent No.6-State.

CORAM : A. K. MENON, J.

DATE : 28th OCTOBER, 2015

P.C. :

1 Learned counsel for the Petitioner states that the application filed before the competent Authority under section 11(3) of the Maharashtra Co-operative Societies Act, 1960 was wanting in necessary particulars and that he has instructions from the petitioner to seek liberty of the court to file a fresh application before the Competent Authority, seeking a deemed conveyance in respect of the property forming subject matter of the present petition. On instructions, learned counsel for the petitioner states that his client wants that the present petition may be allowed to be withdrawn with liberty to file a fresh application under section 11 (3) of the Act before the Competent Authority.

2 The instructing Advocates of Mr.Kapadia appearing for Respondent No.1 undertake to file Vakalatnama on behalf

of Respondent Nos. 2, 3 and 4 as well within a period of one week from today. Learned counsel Mr. John for the Petitioner states that Respondent No.5 has also been served and he undertakes to file an affidavit of service within a period of one week from today.

3 In the circumstances, the following order is passed by consent of Counsel for the parties and on instructions of their respective clients :

- i. The writ petition is allowed to be withdrawn with liberty to the Petitioner to file a fresh application, seeking a deemed conveyance before the competent authority viz. the District Deputy Registrar, Navi Mumbai within a period of four weeks from today.
- ii. If such an application is filed, the competent authority will hear the same afresh without being influenced by the proceedings in the previous applications or the contentions of the parties in the present writ petition.
- iii. All contentions of all the parties are kept open.

The petition is disposed of as withdrawn with no order as to costs.

(A.K. MENON,J.)