

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 226 OF 2015
IN
WRIT PETITION NO. 1022 OF 2012**

N. B. Shinde, since deceased, through Smt. Baijabai N. Shinde and Anr.	} } }	Applicants
In the matter between		
Mr. Narayan Babaji Shinde and Anr.	} }	Petitioners
Versus		
Karmaveer Dadasaheb Co-operative Housing Society and Ors.	} } }	Respondents

Mr. C. S. Joshi for the Applicants.

Mr. Sandesh Patil i/b. Mr. Tanu Khatri for
Respondent No. 2.

Mr. Jagdis G. Aradwad (Reddy) with Ms.Neha
Wadhwa for Respondent No. 4.

**CORAM :- S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.**

DATED :- JUNE 23, 2015

P.C. :-

After having heard Mr. Joshi at some length we find that prayer (b) in the Notice of Motion cannot be granted, particularly after the High Power Committee has decided the Appeal. It may be that it has remanded the case to the competent authority and thereafter the competent authority has passed an order. If the Applicants are

aggrieved by any of these orders, then, the remedy is not to move this Notice of Motion or to press it further, but to file substantive proceedings. In such substantive proceedings, the Applicants can also demonstrate that the correspondence after 20th January, 2014 is gross abuse of the process of law. They can also demonstrate as contended in the rejoinder affidavit that the orders passed by the authorities under the Act are contrary to law. In the circumstances, we do not see how this Notice of Motion can be kept pending. All contentions of the Applicants are kept open and for being urged in the substantive proceedings. Observing thus and equally keeping all objections of the Respondents open, we dispose of the present Notice of Motion.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)