

Anand

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

WRIT PETITION (L) NO.1385 OF 2015

Kalpana Dinesh Vithlani & anr.

.Petitioners

v/s.

Divisional Joint Registrar, Co-op. Societies,
Mumbai & ors.

.Respondents

Mr.Amey Gokhale with Mrs.S.J.Nagasari, Advocate, for the Petitioners
Mr.R.P.Pawar, Advocate, for the Respondent No.2

CORAM : A.A.SAYED, J.

DATE : 16.07.2015

P.C.

. After hearing the matter for some time, learned counsel for the Petitioners and learned counsel for the Respondent No.2 are agreed to the following order being passed.

(i) The impugned order of the Divisional Joint Registrar dated 19.03.2013 shall stand and continue to operate. However, the same would be without prejudice to the rights and contentions of the Petitioners, who claim to have a right in the flat in question under a Will dated 08.05.2007.

(ii) The Petitioners would be at liberty to move an application for appropriate reliefs in the probate proceedings which are pending.

(iii) For a period of six weeks from today, the Respondent No.2 shall

not part with possession or create any third party right in respect of the subject flat.

2. The Petition is disposed of in the aforesaid terms.

(A.A.SAYED, J.)