

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

WRIT PETITION NO. 8864 OF 2015

M/s Rudra Realty

.. Petitioner

V/s

State of Maharashtra & Ors.

.. Respondents

Mr. Rishikesh Soni with Mr. Ashok Purohit for the petitioner.

Mr. Narayan Sahu i/b Federal & Rashmikanth for respondent no.3.

Ms. K.R. Dasiervala i/b Mulla & Mulla & Craigie Blunt & Caroe for respondent no.5.

CORAM: D.H. WAGHELA, CJ.

DATE : 2nd AUGUST 2016

P.C.:

Learned counsel Mr. Soni appearing for the petitioner and learned counsel Mr. Sahu appearing for respondent no.3 have discussed the scope of the petition and agreed that the impugned order dated 22nd January 2015 in Application No. 108 of 2014 of the Competent Authority-cum-District Deputy Registrar, Co-operative Societies (3), Mumbai, is required to be set aside on the conditions which are agreed upon among the parties. The conditions are reduced to writing and placed on record in the form of Consent Terms with request to make the order accordingly and dispose the petition in terms thereof. The Consent Terms signed in original by learned counsel for the petitioner and respondent no.3 as well as learned A.G.P. is taken on record and reads as under and form part of this order:

“1. The Respondent No.3 shall be entitled to execute and register the Deed of Assignment of Lease and the Petitioner and the Respondent No.2 on behalf of Respondent No.4, is directed to execute, register and to take all necessary steps to get the Deed of Assignment duly registered, annexed with the letter dated 5th May 2015 being Exhibit-I to the Petition, with some factual changes as may be duly approved by the parties, within two months from the date hereof.

2. The Impugned Order dated 22nd January 2015 to the extent it grants deemed conveyance, if any, is set aside.

3. The minutes of order is however without prejudice to all the rights and contention of Petitioner and Respondent No.3 before the Small Causes Court in T.E. Suit No. 15/2016.

4. The Deed of Assignment in favour of Respondent No.3 is subject to the outcome of T.E. Suit No. 15 of 2016 filed in the Small Causes Court, Bandra.

5. The parties shall co-operate with the Small Causes Court to enable expeditious disposal of T.E. Suit No.15 of 2016.

6. In view of the above, Writ Petition No. 8864 of 2015 and Civil Application No. 3083 of 2015 are disposed of.

7. Parties to bear their own costs.

8. Liberty to the Petitioner and Respondent No.3 to apply.”

2. The petition is disposed as allowed by consent in the aforesaid terms with no order as to costs.

(CHIEF JUSTICE)