

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

WRIT PETITION NO. 5138 OF 2013

Lalitabhai J. Dhurva and Ors.	}	Petitioners
versus		
Girivilla Co-operative Housing	}	
Society Ltd. and Ors.	}	Respondents

Mr. Madhur Surana for the Petitioners.

Mr. Sanjay Jain with Ms. Krishna Raja
i/b. M/s. L. J. Law for Respondent No. 1.

Mr. A. I. I. Patel - AGP for Respondent
Nos. 2 and 3.

Mr. Ashish Kamat i/b. Ms. Nisha Valani
Respondent Nos. 4 to 9.

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

DATED :- FEBRUARY 18, 2016

P.C. :-

Heard both sides. We find that the Developer, who is the Promoter, within the meaning of the Maharashtra Ownership Flats Act, 1963, cannot, in the present set of facts and circumstances, challenge the order of deemed conveyance for, he has failed to discharge his obligation and duty to convey the property to the Society/entity of the flat purchasers. In such circumstances, in the garb of assisting the owner of the land or the property, we cannot allow the Petitioner/Developer in this

Petition to challenge the order of deemed conveyance. The Writ
Petition is dismissed.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)