

FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8215 OF 2016

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| Office Notes,<br>Office Memoranda<br>of Coram,<br>Appearances,<br>court's orders or<br>directions and<br>Registrar's orders | Court's or Judge's orders |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|

Mrs.Sumedha Rao for the petitioner

Mr.Vineet Naik Sr.Counsel with Ms.Helima Desai  
i/b M/s.Wadia Gandhi and Co. for the respondent  
no.1

Mr.A.R.Metkari, A.G.P. for the respondent no.2

**CORAM : K. K. TATED, J.**  
**DATE : JULY 20, 2016**

**P.C.:**

- 1 Heard the learned counsel for the parties.
- 2 By this petition under Article 227 of the Constitution of India the Petitioner opponent challenges the order dated 29.6.2016 passed by Maharashtra State Co-operative Appellate Court, Mumbai rejecting their application below Exhibit-6 in Appeal No.41 of 2016 to stay the operation and implementation of the order dated 27.1.2016 passed in Dispute No.CC/III/242/2014 by the Co-operative Court No.3, Mumbai.

3 After hearing for some time, the learned Senior Counsel for the respondent tendered affidavit dated 20.7.2016 duly affirmed by Jayantibhai Mistry, Authorised Signatory of respondent no.1 stating that till the hearing and final disposal of Appeal No.41 of 2016 they will not insist and or take any steps for implementation of Clause No.2 of Order dated 27.1.2016 passed by Co-operative Court No.3 which reads thus:

“2) The opponent is directed to comply with the orders dated 13<sup>th</sup> May 2011 and 5<sup>th</sup> March 2013 passed by Dy.Registrar and Divisional Registrar of Co-operative Housing Society Act, respectively and further directed to the opponents to issue the share certificate pertaining to the said premises viz. premises 1 and 2 admeasuring 1366 sq.ft. carpet area approximately, on ground floor of 'A' wing of building “Vivek Enclave” together with 1(one) stilt car parking space and 2 (two) open car parking spaces lying, being and situate at on land bearing CTS No.169, Survey No.15 Hissa No.6 admeasuring approximately 1815 sq.yds. equivalent to 1518.4 square meters situate at Village Mandapeshwar, Tal-Borivali, within the Registration District and Sub-District Bombay City and Bombay Suburban in favour of disputant.”

4 The said affidavit cum undertaking is taken on record and marked 'X' for identification. Undertaking given by Jayantibhai Mistry is accepted. In view of the affidavit cum undertaking dated 20.7.2016 filed by respondent no.1 the

learned counsel for the petitioner seeks liberty to withdraw the present Writ Petition.

5 The learned counsel for the petitioner has given in writing on Farad for withdrawal of the Writ Petition. Same is taken on record and marked 'X-1' for identification. Hence, following order is passed:

- a) Writ Petition stands dismissed as withdrawn.
- b) Hearing of Appeal No.41 of 2016 pending before the Maharashtra State Co-operative Appellate Court is expedited.
- c) Appellate court to decide the said appeal as early as possible but in any case within three months from today.

JUDGE