

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10243 OF 2016**

Shri Vinod Babubhai Patni

..Petitioner

Vs.

The Chairman/Secretary

Popular Apartment CHS Ltd & Ors

..Respondents

Mr. Sandeep Shinde i/b Ms Tanaya D Goswami for the Petitioner

Mrs. V. S. Nimbalkar AGP for the Respondent Nos.2 to 4

CORAM : R. M. SAVANT, J.

DATE : 29th NOVEMBER, 2016

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 30-4-2013 passed by the Divisional Joint Registrar, Co-operative Societies by which order, the Revision Application filed by the Petitioner came to be rejected and resultantly the order dated 27-6-2012 passed by the Deputy Registrar Co-operative Societies “K/W” ward, Mumbai, came to be confirmed.

2 By the said order dated 27-6-2012 the Deputy Registrar had rejected the application filed by the Petitioner under Section 23(2) for membership of the Respondent No.1 society on the ground that the Petitioner has not produced any document of title or the order of any Competent Court indicating that he has title to the property. The said order was carried in Revision by the Petitioner before the Divisional Joint Registrar. The Divisional Joint Registrar reiterated the finding of the Deputy Registrar and resultantly

dismissed the Revision filed by the Petitioner by impugned order dated 30-4-2013. It is the case of the Petitioner that the company by name of M/s. Fit Tight Nuts and Bolts Ltd. had executed an Agreement for Sale in favour of the Petitioner in the year 1984 and pursuant to which the Petitioner was put in possession of the flat in question. It is also the case of the Petitioner that he has executed a declaration in the year 2011 in respect of the said Agreement for Sale.

3 In my view, having regard to the well settled position in law as regards an Agreement for Sale, the same cannot confer any title to the Petitioner in respect of the flat in question.

4 Upon this the Learned Counsel for the Petitioner seeks withdrawal of the above Petition to re-apply to the Deputy Registrar in the event the document of title becomes available to the Petitioner or the Petitioner obtains the order of the competent Civil Court.

5 The Petition is accordingly allowed to be withdrawn with liberty as prayed for.

[R.M.SAVANT, J]