

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

**CIVIL APPLICATION NO.2710 OF 2016
IN
WRIT PETITION NO.3395 OF 2013**

**Diamond Building CHS Ltd. and another ..Applicants
(Ori. Respondent Nos.1 &2)**

IN THE MATTER BETWEEN

The New Mahalaxmi Silk Mills Private Limited ..Petitioner

Versus

Diamond Building CHS Ltd. and others ..Respondents

**Ms. Priyanka Kothari a/w Ms. Dhanashree Gaikkaiwari i/by M/s.
Bilawala & Co., for the Applicants.**

**Shri. G. S. Godbole a/w Ms. Priya Ranade, Ms. Nupur Desai i/by M/s.
Markand Gandhi & Co., for the Original Petitioner.**

Shri. S. Kankal, AGP for the Respondent Nos.3 to 5.

CORAM : R. M. SAVANT, J.

DATE : 5th DECEMBER, 2016

PC.

1 The above Civil Application has been filed by the original Respondent Nos.1 and 2 to the above Petition. The above Writ Petition has been filed by the New Mahalaxmi Silk Mills Private Limited who is the owner/landlord of the building known as “Diamond Building” situated at Lohar Chawl, Mumbai. The above Writ Petition has been filed challenging the order of deemed conveyance dated 14.03.2013 passed by the Competent Authority and Deputy Registrar of Co-operative Societies,

Mumbai City (1). By the said order, deemed conveyance has been granted in respect of the land mentioned in the said order as also in the certificate which has been issued pursuant to the said order. The above Petition had come up for admission before a Learned Single Judge of this Court on 30.07.2013 when after hearing the parties Rule came to be issued and the direction as contained in the unnumbered paragraph 3 of the order came to be issued. The said unnumbered paragraph 3 is reproduced hereinunder for the sake of ready reference :-

“Since the Petitioners have made out a strong prima-facie case, the impugned order is stayed during the pendency of the writ petition. During the pendency of the writ petition, the respondents would not carry out major repairs to the property, except routine maintenance work.”

Hence by the interim order, the order of deemed conveyance dated 14.03.2013 has been stayed. The effect is that the status-quo ante continues to operate meaning thereby that the original Petitioners i.e. the Respondent Nos.1 and 2 to the above Petition continue to be the landlords of the premises in question. Having regard to the facts of the present case that the Learned Single Judge of this Court made the observation as found in the said unnumbered paragraph, to the effect that the Petitioners have made out a strong prima-facie case. Since on account of the stay granted in the above Petition, the status-quo ante would prevail, the landlords would be within their rights to function as

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landlords. The relief sought vide prayer clauses (a), (b) and (c) of the above Civil Application therefore cannot be granted and are accordingly rejected. The Civil Application therefore to stand rejected.

[R.M.SAVANT, J]