

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

WRIT PETITION STAMP NO.33470 OF 2016

**Unique Heights Co-operative
Housing Society Ltd.**

: Petitioner.

versus

M/s. Unique Construction Ltd and ors.

: Respondents.

Mr. P B Shah i/by Mr. Shah Kayval P for the Petitioner.

Mr. N N Bhadrashete a/w Mr. S M Kazi for the Respondent No.1

Mr. S D Rayrikar, AGP, for the Respondent Nos.2 and 3.

CORAM : R. M. SAVANT, J.

DATE : 09th December 2016

P.C.

1 The cause for invoking the writ jurisdiction of this court is the fact that the application of stay filed by the Petitioner is not being taken up for consideration by the Appellate Authority i.e. the Divisional Joint Registrar, Co-operative Societies, Mumbai.

2 The learned AGP Shri S D Rayrikar appearing for the Respondent Nos.2 and 3 i.e. the Authorities on instructions states that the stay application would be taken up for hearing on 13/12/2016 at 3.00 pm.

3 If that be so, the Respondent No.3 is directed to hear and decide the said stay application latest by 15/01/2017. The interim protection mentioned in the Minutes of Order dated 08/09/2016 to the following effect :-

“During the pendency and till final disposal of the hearing before the Deputy Registrar as aforesaid, the Interim Order dated 17.12.2015 (Coram : Hon'ble Justice Shri M.S. Sonak) shall remain in force.”

would continue to operate till disposal of the stay application and for a period of two weeks thereafter if the stay application is rejected.

4 If the Appeal itself is taken up for hearing, the interim protection would continue to operate till the disposal of the Appeal and for a period of two weeks thereafter. If only the stay application is decided then the directions restricted to the stay application would operate.

5 The protective order is continued for a period of two weeks post the decision in the peculiar facts and circumstances of the case. Since the parties now are aware that the date before the Appellate Authority is on 13/12/2016, it is expected of the parties that they would be present before the Appellate Authority on the said day. With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]