

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.189 OF 2016
IN
WRIT PETITION NO. 3943 OF 1999**

**Basantikumar S. Chakarvarty (deceased)
through heirs
In the matter of**

..Applicants

**Pramod Co-operative Housing Society Ltd.
Vs.**

..Petitioners

Basantikumar S. Chakravarty (deceased) & Ors.

..Respondents

Mr. P. J. Thorat for the Applicants / original Respondent No.1

**Mr. Jaydeep Mitra i/b M/s. D'Lima & Associates for the Respondent /
original Petitioners**

Mrs. M. S. Bane "B" Panel Counsel for the Respondent Nos. 2, 3 and 4

CORAM : R. M. SAVANT, J.

DATE : 22nd MARCH, 2016

P.C.

1 The above Civil Application has been filed for the for the following
reliefs :

(a) That by an order of this Hon'ble Court the interim order dated 2nd August 1999 passed in Writ Petition No.3943 of 1999 may kindly be recalled and set aside and/or modified thereby directing the Petitioner society to accept the Applicant No.1(a) as the member of the society for the purpose of redevelopment of the property belonging to the Petitioner society.

(b) That by an order of this Hon'ble court the Petitioner society b e ordered and directed to show the names of the Applicants as the occupants of Tenement No.C-3/21 for the purposes of redevelopment of the buildings of the

Petitioner society and for the purpose of the permanent alternate accommodation that may be offered in lieu of the Tenement No.C-3/21.

2 It is not possible to grant any of the reliefs sought by the Applicants i.e. original Respondents, in the above Civil Application. It seems that the person who is in occupation of the premises in question in respect of which premises an order has been passed by the authorities exercising the powers under the Maharashtra Co-operative Societies Act to make the Applicant / Respondent as a member, has also filed proceedings claiming rights qua the said premises. Hence the above Civil Application can be conveniently disposed of by observing that the redevelopment of the property of the society would be subject to the rights of the Petitioners if any in the above Petition and also subject to the competing claim of the persons who are in occupation of the said premises .

3 The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]