

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1731 OF 2009

M/s Suyog Apartments ('C' Wing)
Co-operative Housing Society,
having its office at Laxman Mhatre
Road, Navagaon, Dahisar (West),
Mumbai-400 068

..Petitioner

Versus

State of Maharashtra and others

..Respondents

Mr. G. J. Sabnis for the Petitioner.

Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 to 4.

Mr. Pankaj Thatte for the Respondent No.5.

CORAM : R. M. SAVANT, J.

DATE : 15th MARCH, 2017

PC.

1 At the outset, the Learned Counsel for the Petitioner seeks deletion of the Respondent Nos.6 to 22 who are formal parties being members of the Respondent No.5 society in the context of the challenge raised in the above Petition. The said Respondents are accordingly allowed to be deleted. Amendment to be carried out during the course of the week.

2 The Learned Counsel for the parties i.e. Mr. G. J. Sabnis appearing for the Petitioner and Mr. Pankaj Thatte appearing for Respondent No.5 society tender Consent Terms bearing today's date i.e.

(2) -WP-1731-09.doc.

15.03.2017 evidencing the settlement arrived at between the Petitioner and the Respondent No.5. The Consent Terms have been signed by Mr. G. J. Sabnis as also by Mr. Pankaj Thatte and on behalf of the Petitioner signed by the Secretary Mr. E. F. Fernandes and by Mr. Umesh T. Raul who is the secretary of the Respondent No.5 society. The respective Secretaries have been authorized by the resolutions passed by their respective societies which in the case of the Petitioner was passed in the AGM held on 25.09.2016 and in respect of the Respondent No.5 society also on the same day. The photocopies containing the extract of the said resolutions are taken on record and marked as “Y” and “Z” respectively for identification. Both Mr. E. F. Fernandes and Mr. Umesh T. Raul are personally present in Court. When put in the box and queried Mr. E. F. Fernandes stated that the Consent Terms are acceptable to the Petitioner society and that he has signed them pursuant to the authorization given to him by the Petitioner society. The Secretary of the Respondent No.5 society Mr. Umesh T. Raul when put in the box and queried states likewise. The Consent Terms are taken on record and marked as “X” for identification. The Petition is disposed of in terms of the Consent Terms.

3 In view of the filing of the Consent Terms all interim orders would stand vacated.

[R.M.SAVANT, J]