

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 5657 OF 2017****M/s.Pragati Associates & Anr.****..... Petitioners****VERSUS****Bloom City Co-operative Housing Society Ltd.
& Ors.****..... Respondents**

Mr.Uday Warunjikar for the Petitioners.

Mr.Drupad Patil for the Respondent no.1.

CORAM : R.D.DHANUKA, J.**DATE : 21st DECEMBER, 2017****P.C.**

Having heard the petitioner's advocate, it is clear that the order passed by the second respondent – Deputy Registrar under sections 11(3) and 11(4) of the Maharashtra Ownership Flats Act, 1963 would not conclude any issue, particularly regarding the right, title and interest of the petitioners in any immovable property. If the deemed conveyance is granted in respect of any property to which the applicant, namely, respondent No.1 was not entitled to, then, the petitioner is not prevented in law from bringing appropriate proceedings, including a suit to establish and prove its independent right, title and interest, to claim a declaration that any act of the second respondent and the order passed and impugned in the petition would not bind it. All contentions of both parties are kept open. The writ petition is dismissed with the aforesaid clarification. No order as to costs.

(R.D.DHANUKA, J.)