

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1327 OF 2015**

Anil Keshav Vanjpe

.... Petitioner

Versus

Shri Krishna Prasad Govind Prasad & Ors.

...Respondents

Mr. Rajesh S. Datar, for the Petitioner.

Mr. Mandar Limaye for respondent No.6.

Mr. Vishal C. Ghosalkar for respondent No.1.

Mr. Sanjay Kojrekar, Committee Member present.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 9th November, 2017.

P.C. :

1. Heard. Rule. Rule made returnable forthwith with consent of the parties.
2. The petitioner herein happens to be a member of the respondent No.1 Society. It appears that there were some disputes between the said member and the Society. The dispute is a trifling dispute over charging certain fees such as transfer fees. The petitioner had filed a Dispute in the Co-operative Court at Thane. The Dispute was allowed.

3. Being aggrieved by the said order, the Society had preferred an appeal before the Maharashtra State Co-operative Appellate Court, Mumbai. The learned appellate Court by an order dated 15.11.2014, Appeal No.27 of 2014 filed by the Society was allowed with costs. Appeal No.88 of 2013 filed by the petitioner was dismissed with costs and hence this Petition.

4. With the intervention of the counsel representing the petitioner and the Society, the parties have arrived at an amicable settlement and it is agreed between the parties that all the issues would be settled by amicable settlement. The petitioner as well as one of the Committee members of the Society are present in Court and they submit before the Court that they would settle the issues amicably.

5. The learned counsel for the Society submits that the said plot is demarcated for redevelopment. The member of the Committee has submitted that the Society would maintain the garden till the property goes for redevelopment and the garden would be maintained to the satisfaction of the petitioner. The learned counsel for the Society has placed on record minutes of the meeting dated 4.11.2017, wherein it is specifically stated that the Society would maintain the garden and it will not convert the garden

into parking area and that the petitioner should not claim any rights towards the garden in future as a matter of right. The minutes of the meeting is taken on record and marked “X” for the purpose of identification.

6. In view of this, the parties have arrived at an amicable settlement. The Petition stands disposed of with no order as to costs.

(SMT. SADHANA S.JADHAV,J.)