

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2610 OF 2016

Ratilal Meghji Shah & Anr	...Petitioners
<i>Versus</i>	
Megh Mahal CHS Ltd & Ors	...Respondents

Ms Anita Bhaktwani, *for the Petitioners.*
Mr Ranjeet Thorat, Senior Advocate, *a/w Mr Suryajeet Chavan,*
i/b Dinesh Rane, for the Respondent No.1.

CORAM: G.S. PATEL, J
DATED: 13th November 2017

PC:-

1. Heard.

2. The Petition is thoroughly misconceived. It is directed against an order of 21st August 2015 of the District Deputy Registrar, Cooperative Societies. Mr Thorat for the respondents points out that the petition is actually infructuous because pursuant to that order, which directed a deemed conveyance under the Maharashtra Ownership Flats Act and applicable Rules, the conveyance has been registered on 30th December 2015. The petitioners are the heirs of the original developer/builder and the case is that such an order could not have been passed since the development was done by an erstwhile partnership firm and since one of the heirs was also a daughter whose

whereabouts were unknown and who was, therefore, deleted from the proceedings. These are hardly the grounds available to a developer to deny a conveyance, something that was clearly within the statutory obligation of not only the partnership firm but each of its partners and consequently of their heirs and legal representatives.

3. There is no infirmity in the impugned order. The Writ Petition is rejected. There will be no order as to costs.

(G. S. PATEL, J.)