

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***T. & I. J.*****NOTICE OF MOTION NO. 159 OF 2015****IN****PETITION NO. 74 OF 2011****Vijaysing Shankar Singh Solanke****..... Applicant****IN THE MATTER BETWEEN****Vijaysing Shankar Singh Solanke****..... Plaintiff****VERSUS****Subhkarma Co-operative Housing Society****..... Respondent****Mr.V.S.Kapse, i/b. Mr.P.S.Tiwari for the Applicant.****Mr.Bhupendra Singh for the Respondent.****CORAM : R.D. DHANUKA, J.****DATE : 17th JULY, 2017****P.C.**

Mr.Kapse, learned counsel for the applicant invited my attention to the order dated 14th August,2014 passed by the Assistant Registrar, Co-operative Societies, F/N Block, Mumbai under section 23(2) of Maharashtra Co-operative Societies Act, 1960 allowing the application dated 2nd June, 2014 filed by the petitioner and directing the society to transfer Flat no.115 in favour of the petitioner and to make note of the said order in the record and to issue rectified share certificate in favour of the petitioner.

2. The learned Assistant Registrar has also clarified in the order that in case of any dispute raised by the legal heirs of the deceased in future, the petitioner herein will be wholly and solely responsible for the same. It is also clarified that the

petitioner herein would be required to give the Indemnity Bond in that regard to the society. Admittedly the said order passed by the learned Assistant Registrar has not been impugned by the respondent and is binding upon the respondent.

3. The petitioner herein is directed to comply with the said order passed by the Assistant Registrar by furnishing indemnity bond as directed by him to the society within four weeks from today.

4. The petitioner shall also file the consent affidavit of the remaining legal heirs of the said deceased to enable the society to transfer the said flat in favour of the petitioner exclusively. If any stamp duty is required to be paid by the petitioner on such transfer, the same shall be borne by the petitioner.

5. Upon compliance of such formalities, the society shall implement the order passed by the learned Assistant Registrar within four weeks from the date of such compliance.

6. Notice of motion is disposed of in the aforesaid terms. No order as to costs.

(R.D.DHANUKA, J.)