

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1269 OF 2018
IN
WRIT PETITION NO. 11398 OF 2017

Laxmi Ashok Yadav ... Applicant.
In the matter between
Jawahar Jyoti Co-operative Housing Society Ltd. ... Petitioner.
V/s.
Thane Municipal Corporation. ... Respondent.

Mr.Amogh Singh I/b. Mr.Direndra P. Singh for the applicant.
Mr.Nitin Gangal for the petitioner.
Mr.Mandar Limaye for the respondent.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 5th July 2018.

P.C.:

Heard the learned counsel appearing for the applicant who has tendered an affidavit of the applicant dated 2nd July 2018. The same is taken on record and marked "A-1" for identification. We accept the statements made therein.

2. There appears to be a dispute between the applicant and her father-in-law in respect of a premises subject matter of writ petition and there is an ongoing litigation between them. It is not in dispute that the applicant's father-in-law is a member of Jawahar Jyoti Co-operative

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Society and it is her contention that along with other members, her father-in-law has given undertaking to vacate the premises.

3. The challenge in the writ petition filed by the said Society was to the action initiated by the Municipal Corporation under sections 264 and 268 of the Maharashtra Municipal Corporations Act, 1949.

4. Merely because the father-in-law of the applicant has filed an undertaking in his capacity of the member of the Society, it cannot be said that the alleged rights claimed by the applicant are affected in any manner inasmuch as this Court under writ jurisdiction is not concerned with *inter se* dispute between the applicant and her father-in-law.

5. Subject to what is observed above, there is no need to grant any relief in this civil application and the same is disposed of.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)