

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION (ST.) NO. 19084 OF 2018

IN

WRIT PETITION NO. 5215 OF 2013

Smt. Lalita Ramnarayan Mandal **...Applicant**

In the matter between parties

Gajanan Developers & Ors. **...Petitioners**

Versus

The Collector **...Respondents**
Pune District, Pune & Ors.

Mr. Ajay D. Gholap, for the Applicant.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 25 July 2018

Sharayu
Pandurang
Khot

ORDER :

1. Not on board. Taken on board.

2. Heard the learned Counsel appearing for the
Applicant. Going by the order passed in the Writ Petition, the

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Respondent No. 32 (Ranjit Thakur) is entitled to withdraw the amount deposited by the developer. It is stated that the said Ranjit Thakur is no more. In paragraph 8 of the Application, it is stated that though the said Ranjit Thakur is survived by a sister, her whereabouts are not known.

3. The Applicant is claiming to be the foster daughter of said Ranjit Thakur. Therefore, the remedy of the Applicant is to establish her legal rights in respect of the flat in question by approaching the Civil Court. The legal representative of the deceased Respondent will have to be heard by the Civil Court. Hence, no relief as prayed for can be granted in the Civil Application. If Civil Court upholds the right of the Applicant, she can file a fresh Application for same relief.

4. Subject to what is observed above, the Civil Application is rejected.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]