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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2440 OF 2016

Dadar Avanti Co-op. Hsg. Soc. Ltd.	...Petitioner
V/s.	
Dr.Shaila @ Shailaja A. Nerkar & Ors.	...Respondents

Mr.Gautam Ankhad with Ms.Nikita Vardhan i/b Kanga & Co. for the Petitioner.

Mr.Y.S. Jahagirdar, Senior Counsel i/b Mr.A.S. Desai for the Respondent No.1.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent No.2.

CORAM : R.D. DHANUKA, J.
DATE : 26TH FEBRUARY, 2018.

P.C. :-

1. By consent of the parties, the following order is passed :-
 - a). The impugned orders dated 11th October, 2010 and 4th April, 2012 passed by the respondent nos.2 and 3 in Application No.1128 of 2010 and Revision Application No.419 of 2010 respectively are set aside. Application No.1128 of 2010 is restored to file before the respondent no.2.
 - b). The respondent no.2 shall pass a fresh order after hearing the petitioner as well as the respondent no.1 in accordance with law and without being influenced by the observations made and the

conclusion drawn in the impugned orders dated 11th October, 2010 and 4th April, 2012 passed by the respondent nos.2 and 3 respectively.

c). The respondent no.2 shall make an endeavor to dispose of the Application No.1128 of 2010 expeditiously and not later than four months from the date of communication of this order.

d). The parties are directed to appear before the respondent no.2 on 14th March,2018 at 3:00 p.m.

e). The parties as well as the authorities to act on the authenticated copy of this order.

f). In view of the fact that the impugned orders are set aside, the Deputy Registrar shall not act upon the further orders dated 29th December, 2017 and 12th December, 2017 in respect of flat no.25.

g). None of the parties shall act upon the impugned orders which are already set aside by this order against the society.

h). It is made clear that the aforesaid order is passed only in respect of flat no.25.

i). The writ petition is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)