

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

WRIT PETITION (ST.) NO.26410 OF 2017

Chairman/Secretary

Hirkani Co-operative Housing Soc.Ltd. .. Petitioner

Vs.

Malatibai Devalal Kharad & Ors. .. Respondents

Mr.Mandar Limaye for the petitioner.

Mr.Bharat Gadhavi i/by M/s.Tajesh Dande & Associates for the respondent no.1.

Mr.Mangesh Pagedar, Chairman of the petitioner present.

Mr.Mandar Joshi, Secretary of the petitioner present.

Mrs.Rupali Rajesh Nadkar, Power of Attorney holder for the respondent no.2 present.

CORAM : R.D. DHANUKA, J.

DATE : 6th March 2018

P.C.:

. The petitioner has already granted membership in respect of the flat in question to the respondent no.1 and has also issued a share certificate in her favour. Mr. Gadhavi, learned counsel appearing for the respondent no.1 does not dispute this position.

2. Learned counsel appearing for the respondent no.1 undertakes to withdraw the proceedings filed under Section 148 of the Maharashtra Co-operative Societies Act, 1960 pending before the authority within one week from today. Undertaking is accepted.

3. In view of the settlement arrived at between the parties, the impugned orders passed under Sections 23(2) and 79(2) of the Maharashtra Co-operative Societies Act, 1960 do not survive and are set aside.

4. The petitioner undertakes to withdraw the revision application which is pending before the revisional authority within one week from today. Undertaking is accepted. The petitioner has agreed to issue no objection certificate for transferring the electricity meter and for transferring the name of the respondent no.1 in so far as the property taxes are concerned.

5. Mr.Pagedar and Mr.Joshi, office bearers of the petitioner are present in Court. Learned counsel for the respondent no.1 has handed over the original share certificate in respect of the flat in question to the constituted attorney holder Mrs.Rupali Rajesh Nadkar who is present in Court. Learned counsel for the petitioner states that the said constituted attorney holder is authorised to receive the said share certificate on behalf of the respondent no.1.

6. If the constituted attorney for the respondent no.1 is authorised to represent the respondent no.1 for the purposes of obtaining NOC or otherwise before the Society, the Society shall consider the said power of attorney and shall issue such NOC in favour of the respondents and shall hand over the same to the said constituted attorney.

7. Writ petition is disposed of in view of the settlement arrived at between the parties in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.