

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

WRIT PETITION NO.10847 OF 2014

Keharsingh Bhagatsingh Sodhi & Ors.

.. Petitioners

Vs.

Satguru Apartment Co.op.Hsg. Society
(Proposed) & Anr.

.. Respondents

None for the petitioners.

Mr.Himanshu Kode for the respondent no.1.

CORAM : R.D. DHANUKA, J.

DATE : 30th July 2018

P.C.:

. None appeared for the petitioners though the matter was called out twice.

2. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 16th June 2014 passed by the competent authority under Section 11 of the Maharashtra Ownership Flats Act, 1963 (for short “the said Act”) passing an order of deemed conveyance and issuing a certificate under Section 11(5) of the said Act in favour of the respondent no.1 society. The agreement of deemed conveyance is already registered on 16th December 2014. The dispute is in respect of FSI 164.19 sq.mtrs. which is being claimed by the petitioners.

3. I have perused the averments made by the petitioner in this petition and also the documents annexed to the writ petition. In so far

as the claim of the petitioners in respect of balance FSI admeasuring 164.19 sq.mtrs. is concerned, the petitioners would be at liberty to file civil suit in respect of the said FSI. If any civil suit is filed, the Civil Court shall consider the said claim on its own merit.

4. Writ petition is accordingly dismissed with above clarification. No order as to costs.

R.D. DHANUKA, J.