

mujahed

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9833 OF 2014

Sitbadevi Kulotpanna Mandal

...Petitioner

V/s.

Rock Garden CHS Ltd & Ors

...Respondents

Ms. Sukeshi Bhandari for the Petitioner.

Ms. K.N. Solunke, AGP for State/Respondent No.5.

Mr. Ravish Mishra a/w Mr. Jayraj Shinde i/b. Mr. Vijay B. Dhingreja
for Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 19TH MARCH, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order passed by the respondent no.5 in respect of deed conveyance in favour of respondent no.1 society.
2. It is not in dispute that the petitioner had already filed a civil suit for adjudication of the title of the petitioner. The said suit is pending.
3. Admittedly, the impugned order has not been executed till date.
4. The respondent no.1 shall not implement the impugned order

for a period of four weeks from today. The petitioner is at liberty to apply for further interim reliefs in the pending suit. If any, application for interim relief is made by the petitioner in the pending suit, the said application for interim relief shall be considered by the Civil Court on its own merit. It is made clear that in the impugned order passed by the respondent no.1 in Application No. 2025 of 2013 on 23rd May, 2014, the respondent no.5 has not decided the title in respect of the property in question.

5. Writ petition is disposed of in the aforesaid terms. It is also made clear that the civil suit filed by the petitioner shall be decided by the Civil Court on its own merit without being influenced by the fact that the order of deed conveyance has been executed by the respondent no.5. Parties as well as the Civil Court to act on the authenticated of this order.

(R.D. DHANUKA, J.)