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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1241 OF 2018

Celina Co-op. Hsg. Soc. Ltd. V/s. District Deputy Registrar, Co-operative Societies,Pune & Ors.	...Petitioner ...Respondents
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Mr.Sandesh Patil I/b Mr.Prathamesh Gokhale for the Petitioner.

Ms.Geeta P. Sonawane, A.G.P. for the State – Respondent Nos.1 to 3.

Mr.Ranjit Thorat with Mr.Ajit Tamhane, Ms.Sanjyoti Redkar and Mr.Rohan Tamhane I/b Tamhane & Co. for the Respondent No.4.

Mr.Niranjan Anil Ghate, Chairman present.

Mr.Sameer S. Khadilkar, Member present.

CORAM : R.D. DHANUKA, J.

DATE : 24TH JULY, 2018.

P.C. :-

1. Mr.Patil, learned counsel appearing for the petitioner on instructions states that though the Competent Authority has not passed an order of deemed conveyance in respect of the entire property in favour of the petitioner and the petitioner is aggrieved in respect of the balance area of plot, the petitioner will execute the order passed by the Competent Authority in respect of the area for which deemed conveyance is granted without prejudice to the rights

of the petitioner and will file a suit in respect of the balance area and shall apply for appropriate relief in that suit. The statement is accepted.

2. The petitioner is at liberty to execute the impugned order without prejudice to the rights and contentions of the petitioner with liberty to file a civil suit in respect of the balance area for which the petitioner has not been granted an order of deemed conveyance and to seek appropriate relief including interim relief in that suit.

3. It is made clear that if any such suit is filed for the balance area, the same shall be decided by the Civil Court on its own merit. This Court has not expressed any views in respect of the balance area . The rights and contentions of both the parties only in respect of the balance area are kept open in view of the fact that the developer has not challenged the impugned order passed by the Competent Authority.

4. The writ petition is disposed of with the above clarification. There shall be no order as to costs.

(R.D. DHANUKA, J.)