

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 597 OF 2017

Ivan G. Martis and anr. ... Petitioners

Versus

Mumbai Building Repair and
Reconstruction Board and Ors. ... Respondents

Mr. Raj Singhvi I/by Lex Services for the Petitioners.

Adv. Bagwe I/by Adv.Sharmila Deshmukh for R. Nos. 1 and 2.

Mr. S. Karmakar, AGP for R. No. 4 State.

Mr. Aditya Shiralkar a/w. Ms. Prachi Mhatre for R. No. 3.

**CORAM : B.P. DHARMADHIKAKRI &
SARANG V. KOTWAL, JJ.**

DATE : DECEMBER 17, 2018

P.C.:

Petitioners have approached this court for correction of their status as purchasers in the document at Exh. K dated 31/12/2015. The claim for ownership springs from the document which is article of agreement allegedly entered into between the petitioners and owners i.e. predecessors-in-title of the petitioners. The articles of the agreement are executed on 01/02/1988. This document is not registered and not stamped.

2. Petitioners have thereafter on stamp paper of Rs. 20 given declaration on 7/12/1995 relying upon that document and it is claimed that the necessary registration charges and stamp duty is also paid on that document.
3. Respondent no.3 developer has opposed the petition. Apart from the status and sanction of this later document, it is pointed out that the civil suit filed by the petitioners in which this question is involved is still pending.
4. Respondent nos. 1 and 2 points out that they have only certified the position necessary to meet the ingredients of scheme and to find out the compliance with consent.
5. The predecessors-in-title of the petitioners are not parties to the declaration registered on 7/12/1995 and also not parties to this petition.
6. We are therefore not inclined to intervene in extra ordinary jurisdiction. Writ Petition is, therefore, dismissed.

(SARANG V. KOTWAL, J.)

(B.P. DHARMADHIKARI, J.)