

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

**APPEAL FROM ORDER NO.680 OF 2016
WITH
CIVIL APPLICATION NO.876 OF 2016
IN
APPEAL FROM ORDER NO.680 OF 2016**

Navnath Babanrao Thite	... Appellant
Versus	
Mahatma Co-operative Housing Society Limited and Ors.	... Respondents

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Mr. Abhijit P. Kulkarni for Appellant.
Mr. S.S. Kanetkar for Respondent No.1.
Mr. Avinash B. Avhad for Respondent No.5.

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CORAM : M. S. KARNIK, J.
DATE : 26th JUNE, 2019.

P. C.:

1. Learned counsel for the respondent No.1-Society submits that the apprehension of the appellant is not well founded. The Society for the present does not wish to admit new member in the Society plot No.337. In the event the Society intends to proceed further in the matter, the Society to inform the appellant of its intention to do so.
2. In this view of the matter, learned counsel for the appellant does not press the present Appeal.

3. Needless to mention that the observations made by the Trial Court while deciding the application (Exhibit 5) are prima facie in the nature and the suit obviously will be decided on its own merits without being influenced by the observations made by the Trial Court while deciding the application (Exhibit 5).

4. The Appeal is disposed of.

5. In view of the disposal of the Appeal, nothing survives for consideration in Civil Application. Civil Application is disposed of accordingly.

(M. S. KARNIK, J.)