

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12888 OF 2016
WITH
WRIT PETITION NO.12889 OF 2016

Nandini Co-Operative Society Ltd. ...Petitioner

vs.

Bharati R. Modi and Another ...Respondents

Mr. J.S. Kini a/w. Ms. Sapna Krishnappa I/b. Mr. Suresh Dubey,
for the Petitioner.

Mr. Vishal Kanade I/b. Mr. Manish Jagani, for the Respondents

CORAM : M. S. SONAK, J.

DATE : APRIL 08, 2019

P.C.:

Writ Petition No. 12888 of 2016:

. Heard Mr. Kini, learned counsel for the Petitioner and Mr. Kanade, learned counsel for the Respondents.

2. The challenge in this Petition is to the orders dated 27th April, 2016 and 29th August, 2016 by which the Co-operative Court and the Appeal Court have granted interim relief in favour of the Respondents restraining the Petitioner society from preventing them to park their vehicle at the designated spot.

3. The position which is now protected by the interim order is

continuing since last three years. The trial Court had granted limited relief. This limited relief in relation to the parking of the vehicles at the designated spot was not even challenged by the society. However, since, the trial Court had not granted further relief that the society should not hinder or create obstruction to this parking, in the Respondents' Appeal, the Appeal Court has directed the society to restrain them from causing any obstruction. The Appeal Court's order is in a sense consequential to the Co-operative Court's order, which was not even challenged by the Petitioner.

4. For all these reasons, there is really no case made out at this stage to interfere in the impugned order.

5. However, the interest of justice will be served if the Co-operative Court is directed to dispose of the dispute CC/II/112 of 2015 as expeditiously as possible and in any case on or before 31st December, 2019 on its own merits and in accordance with law.

6. It is made clear that the Co-operative Court shall in no manner be influenced by the observations made in the impugned

order and for that matter in the present order.

7. The dispute be decided on its own merits and in accordance with law.

8. This Petition is disposed of on the aforesaid terms.

9. There shall be no order as to costs.

10. All concerned to act on the basis of authenticated copy of this order.

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11. Since the directions have been issued to the Co-operative Court to dispose of the dispute No. CC/II/112 of 2015 as expeditiously as possible and in any case on or before 31st December, 2019, this Petition is not pressed. Accordingly, this Petition is disposed of as not pressed.

(M. S. SONAK, J.)