

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

WRIT PETITION NO.12132 OF 2018

**Nilgiri "C" Wing Co-operative
Housing Society, Powai, Mumbai** : **Petitioner.**

Versus

**M/s. M. S. Shah Developers,
Through Partner
Hamid M Shah and ors.** : **Respondents.**

**Mr. P J Thorat for the Petitioner.
Mr. P B Gujar a/w Mr. Abdul Hamid S Shah for Respondent No.1
Mr. S H Kankal AGP for Respondent Nos.2 to 4.**

**CORAM : S. S. SHINDE, J
DATE : 04th April 2019**

P.C.

1 The learned counsel appearing on behalf of the Petitioner has tendered across the bar the Consent Terms signed by the authorized officer of the Petitioner, the Representative of Respondent No.1 and the learned counsel for the Petitioner and the learned counsel for Respondent No.1. The authorized officer of the Petitioner is personally present in Court. He is identified by the learned counsel Mr. P J Thorat. The representative of Respondent No.1 is also present in Court. He is identified by the learned counsel Mr. P B Gujar.

2 The paragraph 6 of the said Consent Terms reads thus :-

- “6 That during the pendency of the present Writ Petition the Petitioner and the Respondent No.1 have settled their disputes on the following terms and conditions :-
- a. The Respondent No.1 agrees and undertakes to withdraw the Appeal No.204 of 2010 under Section 152 of the Maharashtra Cooperative Societies Act, 1966 before the Divisional Joint Registrar, Co-operative Societies, Mumbai Division challenging the order dated 26th August, 2010 passed by the Deputy Registrar, Co-operative Societies, `L' Ward, Mumbai.
 - b The Respondent No.1 further agrees and undertakes not to object to the Registration of the Petitioner Society and not to interfere in the functioning of the Petitioner Society in any manner whatsoever.
 - c The Petitioner and Respondent No.1 further agree that the present Writ Petition can be allowed and the Order dated 13th July 2017 passed by the Hon'ble Minister of State, Department of Co-operation, State of Maharashtra in Revision Application No.554 of 2011 and the Order dated 18th April 2011 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division in Appeal No.204 of 2010 be quashed and set aside.

3 The Consent Terms are taken on record and marked as “X” for identification.

4 In view of the settlement arrived at between the parties in the aforesaid term, the orders dated 13th July 2017 passed by the Hon'ble Minister of States, Department of Co-operation, Mantralaya, Mumbai in Revision Application No.554 of 2011 and the order dated 18th April 2011 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division in Appeal

No.204 of 2010 are quashed and set aside. This Writ Petition stands disposed of in terms of the Consent Terms. However, it is clarified that the reliefs claimed in this Writ Petition and granted in terms of the Consent Terms are confined to the parties of the Writ Petition.

[S. S. SHINDE , J]