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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 12018 OF 2013**

Mr. Bhushankumar Bhimrao BhiwandkarPetitioners
and another

V/s.

The State of Maharashtra and othersRespondents

Mr. Amol K. Tembe for the Petitioner
Mr. S. H. Kankal AGP for the State
Mr. Sagar Ghogare i/b Mr. Sandip Ghogare for respondent no. 3

CORAM : NITIN W. SAMBRE, J.

DATE : JULY 3, 2019.

P.C.

In view of law laid down by the Division Bench of this Court in the matter of **Mazda Construction Company & Ors Vs. Sultanabad Darshan CHS Ltd. & Ors [2013 (2) ALL MR 278]** the claim of the petitioner to the extent of right of the respondent in seeking Deed of Conveyance pursuant to the provisions of Section 10 & 11 of the MOFA Act, in my opinion cannot be gone into, particularly when

there are disputed question of facts raised by the petitioner.

2 As such, this Court since was not inclined to entertain the petition, the learned counsel for the petitioner made a motion for withdrawal of the petition.

3 Petition is dismissed as withdrawn with liberty to approach Civil Court.

4 Order interim passed by this Court to continue upto 21/09/2019.

[NITIN W. SAMBRE, J.]