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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No. 590 OF 2016
WITH
NOTICE OF MOTION No. 246 OF 2016

Champaben Harilal Chheda ... Petitioner
Vs.
Sanskar Co-op. Premises Society Ltd. & Ors. ... Respondents

Mr. Ashwinkumar Harilal Shah, power of attorney of the Petitioner
– present in person.

Mr. Vishesh Karla a/w Saket Mone i/b Vidhi Partners, for the
Respondent .

**CORAM : INDRAJIT MAHANTY, &
SARANG V. KOTWAL, JJ.**

DATE : JANUARY 21, 2019

PC :

1. By order dated 8th December, 2018, in paragraph 2
following directions are given by this Court:

“2. The party-in-person seeks some time to take
instructions whether he can deposit an amount of Rs. 36
lakhs in the court, as he accepted the amount from the
Developer, as stated in para no. 8 of the affidavit-in-reply
dated 19.10.2018, filed by the Respondents.”

2. Pursuant to the said direction, the power of attorney
holder, as well as son, of the Petitioner Mr. Ashwinkumar Harilal

Shah, filed an affidavit, raising various grounds and in paragraph 8 he stated as under:

“8. Instead of depositing the amount accepted from the Developer as beneficiary of services hired or availed by the Society; the Petitioner would rather prefer to withdraw the above Writ Petition if the need so arises.”

3. In view of the above, we dispose of the writ petition as withdrawn. The writ petition is disposed as withdrawn with liberty to the Petitioner to avail of the remedy, available in law for enforcement of her rights vis-a-vis the Society.

4. In view of disposal of the writ petition, pending notice of motion does not survive and is accordingly disposed of.

Sd/-

[SARANG V. KOTWAL, J.]

Sd/-

[INDRAJIT MAHANTY, J.]

Vinayak Halemath