

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1881 OF 2012
WITH
NOTICE OF MOTION NO.241 OF 2013 IN W.P. NO.1881 OF 2012

Rajhans Co-op. Hsg. Soc. Ltd. ... Petitioners
Vs.
Divisional Joint Registrar, C.S. and others ... Respondents

Ms Rita D. Bhatia for Petitioners.
Mr. Amit Shastri, AGP for Respondent Nos.1, 2 and 6-State.
Mr. Kunal Chheda i/b. Mr. Kunal Bhanage for Respondent Nos.3 to 5.

CORAM : UJJAL BHUYAN, J.
DATE : DECEMBER 18, 2019

P.C. :

Heard Ms Bhatia, learned counsel for the petitioners; Mr. Shastri, learned AGP for respondent Nos.1, 2 and 6-State; and Mr. Chheda, learned counsel for respondent Nos.3 to 5.

2. It is submitted that all the parties are also present before the Court.

3. Learned counsel for the parties have submitted that the parties have decided to mutually settle the issues raised in the writ petition and have filed the consent terms which are as under:

“1. The Respondent No.3 declares that vide a Release Deed, he has duly released his 1/3rd undivided share, right, title and interest in the Flat No.26 with Covered Garage in the Petitioner’s Society in favour of the Respondents 4 and 5 without any consideration as he had not contributed any money for the purchase of the said Flat due to inter se differences between them.

2. The Respondent No.3 further declares that on payment of stamp duty and registration of the said Release Deed, the Respondent 4 and 5 have become the joint owners of the said Flat and the said Garage situated in the Shri Rajhans Co-operative Housing Society Ltd., 88, Marine Drive, ‘G’ Road, Mumbai 400 002.

3. The Petitioners, pursuant to the decision taken by the Managing Committee of the said Society in its meeting held on 28.11.2019 do hereby agree, declare, undertake and confirm that they will admit the Respondent No.4 and 5 being the joint owners of the said flat and Garage as the joint members of the Petitioner Society.

1) The Respondent No.4 and 5 hereby pay to the Petitioner the total amount of Rupees 45,22,421.48 in the following manner:

a) A sum of Rs.26,17,221.48 (Rs. Twenty Six Lakhs Seventeen Thousand Two Twenty One and Forty Eight paise only) by cheque No.501217 dated 25th November 2019 drawn on The Akola Janata Co Op Bank Ltd. Kalabadevi Branch, Mumbai-2 towards outstanding arrears of Society maintenance bill No.37/2019-2020 dated 1/10/2019 for half yearly society maintenance Bill for the Flat No.26.

b) A sum of Rs.5,200 (Rupees Five Thousand Two Hundred only) by cheque No.501218 dated 25th November 2019 drawn on the Akola Janata Co Op Bank Ltd. Kalabadevi Branch, Mumbai-2 towards outstanding arrears of Society maintenance bill No.38/2019-2010 dated 1/10/2019, for half yearly society maintenance Bill for the Garage of Flat No.26.

c) A sum of Rs.18,75,000 (Rupees Eighteen Lacs Seventy Five Thousand only) by cheque No.501219 dated 25th November 2019 drawn on The Akola Janata Co Op Bank Ltd. Kalabadevi Branch, Mumbai-2 towards voluntary contribution bill No.43/2019-2010 dated 1/10/2019.

d) a sum of Rs.25,000 (Rupees Twenty Five Thousand only) by cheque No.501220 dated 25th November 2019 drawn on The Akola Janata Co Op Bank Ltd. Kalabadevi Branch, Mumbai-2 contribution towards Transfer Fees bill No.44/2019-2010 dated 1/10/2019.

2) The Petitioners hereby agree, declare, undertake and confirm that the Society will issue future maintenance bills in respect of the said Flat No.26 alongwith Garage in the joint names of Respondent No.4 and 5.

3) The Petitioners agree, declare, undertake and confirm that necessary steps will be taken to transfer the said Flat No.26 along with Garage and the Five shares Nos.121 to 125 (both inclusive) of the value of Rs.Fifty each, duly incorporated in Share Certificate No.26 issued by the said society in the name

of the erstwhile owner Mrs. Anuradha Uttamchandani to the joint names of the Respondents No.4 and 5 in the records of the society.

4) The Petitioner and the Respondent No.3 to 5 hereby withdraw allegations made against each other and shall withdraw complaints if any, made with any Authorities.”

4. The above consent terms shall form part of this order.
5. Writ Petition is disposed of in terms of the above consent terms.
6. Pending Motions, if any, are also disposed of accordingly.

(UJJAL BHUYAN, J.)

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