

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****WRIT PETITION NO. 2956 OF 2015****Joseph Cajetan Cardoza & Anr.****..... Petitioners****VERSUS****Meena Apartments Co-operative Housing
Society Ltd. & Ors.****..... Respondents**

Mr.Ramanand R. Sharma for the Petitioners.

Mr.Kishor V. Tembe for the Respondent no.1.

Mr.Kedar Dighe, A.G.P. for the State – Respondent nos. 2 and 3.

CORAM : R.D. DHANUKA, J.**DATE : 25th JUNE, 2019****P.C.**

Mr.Sharma, learned counsel appearing for the petitioners on instruction seeks liberty to withdraw this petition with liberty to file a suit for adjudication of the alleged title of the petitioners in the property which is the subject matter of the impugned order of deemed conveyance in favour of the respondent no.1 society after issuing statutory notices upon the respondent nos. 1 and 3. He states that his clients would file a civil suit within a period of three months from today after issuing statutory notices. Statement is accepted.

2. On 11th January,2016, while admitting this petition, this court had observed that at that stage there was no case made out for grant of any interim relief other than observing that the conveyance that may be executed in pursuance of the impugned order shall be subject to final

decision in this writ petition.

3. Mr.Tembe, learned counsel appearing for the respondent no.1 states that pursuant to the impugned order, the deed of conveyance is already executed in favour of his client.

4. Since the petitioners have proposed to file a civil suit for adjudication of the alleged title in respect of the property in question, if the respondent no.1 proposes to create any third party rights in respect of the property in question, three days clear notice shall be issued to the petitioners before creating any such third party rights. It is made clear that this protection is granted to the petitioners only for a period of three months from today.

5. Writ petition is dismissed as withdrawn with liberty as prayed. No order as to costs.

[R.D. DHANUKA, J.]