

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.31/2019

Shri Surendra Ramanand Pathak

..Vs..

The Vidarbha Premier Coop. Housing Society Ltd., Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Amit Khare, Advocate for the petitioner.
Shri Ganesh K. Iyer, Advocate h/f Shri S.S. Ghate, Advocate for the
respondent.

CORAM : Z.A. HAQ, J.

DATE : 6.3.2019.

Joint pursis dated 6th March, 2019 signed by the petitioner, his Advocate and Recovery Officer of respondent and its Advocate is placed on record. Accepting the statements made by the parties in the joint pursis, the writ petition is disposed in the following terms:

In paragraph No.2 of the joint pursis it is stated that as the petitioner failed to deposit the balance 3/4th amount of auction money within one month from the date of acceptance of his bid, the office of Commissioner for Cooperation may not grant permission for issue sale certificate. In the peculiar facts of the case and as the petitioner has paid the entire amount alongwith interest as claimed by the respondent - Cooperative Housing Society, it is directed that after receiving the amount deposited by the petitioner before the Civil Court, the respondent - Cooperative Society shall execute the sale-deed in respect of Flat No.F-1/B and F-2/B of Sai Shankar Enclave, Mohan Nagar, Nagpur

in favour of the petitioner within one month from the date of receipt of the amount.

Learned Advocate for the petitioner stated that in view of the settlement of the dispute between the parties and the above order, the petitioner may be permitted to withdraw Special Civil Suit No.345/2015 filed by the petitioner before the Civil Court, Nagpur.

The Special Civil Suit No.345/2015 filed by the petitioner against the respondent, pending before 10th Joint Civil Judge, Senior Division, Nagpur is disposed as withdrawn.

The court fees, be refunded to the petitioner / plaintiff as per rules.

The petitioner shall place certified copy of this order on record of the Special Civil Suit No.345/2015 and get appropriate orders on it from the trial Court.

The writ petition is **disposed** in the above terms. No costs.

JUDGE