

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6049 OF 2021

Rajan Ramchand Gera

... Petitioner

V/s.

Radha Niwas CHS Ltd. & Anr.

... Respondents

Mr. Amol B. Kharat for the petitioner.

Mr. Joel D'souza i/b. Mr. Suresh M. Kamble for respondent no. 1.

**CORAM : G.S.KULKARNI, J.
DATE : 23 November, 2021**

P.C.:

Heard Mr. Kharat, learned counsel for the petitioner and Mr. D'souza, learned counsel for the respondent-Society.

2. The challenge in this petition is to an order dated 1 September, 2021 passed by the President, Maharashtra State Cooperative Appellate Court, Mumbai whereby the Revision Application as filed by the petitioner against the order dated 1 March, 2021 passed by the Cooperative Court No. 2, Mumbai has been disposed of in the following terms:

"ORDER

- 1) Revision Application is hereby allowed partly.
- 2) The order passed by the learned trial Court is modified and the opponent nos. 1 and 2 are directed to pay 50% amount of Rs.5,91,996/- within one month under protest, payable to the disputant and shall pay monthly maintenance charges @Rs.2,985/- on or before 10th of every month to the disputant.
- 3) Opponent nos. 1 and 2 are hereby restrained from creating third party interest in flat no. 5 by way of transferring, alienating or disposing of in any other manner.
- 4) Dispute is expedited and the trial Court shall dispose of the

dispute within 6 months and parties to appear before lower court on 06.09.2021.

5) Revision Application is disposed of.”

3. After the petition was heard for sometime, learned counsel for the petitioner, on instructions, makes a statement that his client is willing to comply with the directions as contained in clause 2 of the operative order, namely, to deposit 50% amount of Rs.5,91,996/-, which will be deposited within four weeks from today. He also makes a statement that from December, 2021, the petitioner shall regularly pay the maintenance charges. Statement as made on behalf of the petitioner is accepted.

4. It is observed that as the dispute is pending before the trial Court, all such payments which are being made are without prejudice to the rights and contentions of the parties and shall be subject to the outcome of the final orders which would be passed in the pending dispute.

5. In the above circumstances, further adjudication is not called for. Writ Petition is disposed of. No costs.

6. All contentions of the parties in the pending dispute are expressly kept open.

(G.S.KULKARNI, J.)