

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

**WRIT PETITION NO.394 OF 2022
WITH
INTERIM APPLICATION NO.2476 OF 2022**

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Late Narayan Shankar Kene
Since deceased through legal heirs
Anusaya Narayan Kene & Ors. ..Petitioners
Versus
Kalpesh Co.Op. Housing Society Ltd. & Ors. ..Respondents

Mr. Jyotiram S. Yadav, for the Petitioners.
Mr. Rajesh S. Datar, for Respondent No.1/Society.
Mr. S. D. Rayrikar, AGP for Respondent Nos.2 & 10.
Mr. Dushyant Pagare, for Respondent No.7.

CORAM : NITIN W. SAMBRE, J.

DATE : 19th JULY, 2022

P.C.

1. Heard.

2. The challenge is to the order granting deemed conveyance under Sub Section (3) of Section 11 of the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963.

3. Since the deemed conveyance is already registered and the issue involved is in regard to the service of notice, so also the hearing to the petitioners in the said

proceedings, counsel the petitioners on instructions made a prayer for withdrawal of the petition.

4. The petition as such stands disposed of as withdrawn.

5. In view of disposal of the petition, the interim application also stands disposed of.

6. However, this will not preclude the petitioners from taking out proceedings before the Civil Court questioning the deemed conveyance which will be decided without being influenced by withdrawal of the present petition.

7. The order of *status-quo* which is in operation in the present matter is continued for a period of six weeks.

[NITIN W. SAMBRE, J.]