

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10051 OF 2022

M/s. Chaitanaya Builders & Ors. ... **Petitioners**
Versus
District Deputy Registrar & Ors. ... **Respondents**

Ms. Kruti Bhavsar, Advocate for the Petitioners.

Mrs. P. N. Diwan, AGP for the Respondents/State.

Mr. Sandeep Maurya i/b. Ms. Simran Vishwakarma,
Advocate for Respondent No.2.

**CORAM: S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : AUGUST 26, 2022

P.C.

1. The learned Advocate for the respondent No.2 submits that the petitioner can file a civil suit. According to the petitioners, the principle of natural justice are not followed. The Firm was not a party. Only partner was a party in his personal capacity. The arguments are advanced by learned Advocate for the petitioner that the Firm was added subsequently. The opponent No.3 before the District Deputy Registrar was in his personal capacity. The opportunity was not given to the Firm.

2. We cannot comprehend the argument of the petitioner. The opponent No.3 is partner of opponent No.5 Firm. The partners of opponent No.5 Firm are related to each other.

The present petition is filed by the Firm and partner including opponent No.3. The contention of the opponent No.3 is considered in the order. The same are jotted down in paragraph 12. The opponent No.3 was represented by the lawyer before the District Deputy Registrar.

3. This Court has consistently held that the civil suit can be filed and the deemed conveyance would be subject to the decision in the civil suit. Reference can be had to the judgment of Division Bench of this Court in *Tirupati Shopping Centre Premises Co-op. Society Limited v. Shabayesha Construction Company Private Limited*¹. The petitioners may take steps as may be permissible under law.

4. With the aforesaid observations, the writ petition is disposed of.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)

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