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Corrected pursuant to speaking to minutes of order dated 21st December, 2022.

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

WRIT PETITION NO.793 OF 2018

Dadar Paschim Apartent Co-operative
Housing Society Limited

..Petitioner

Versus

The Competent Authority,
District Deputy Registrar,
Co-operative Societies, Mumbai & Ors.

..Respondents

Mr. Atul Damle, Senior Advocate i/by Suresh M. Sabrad, for the
Petitioner.

Mr. P. P. Kakade, GP a/w S. H. Kankal, AGP for the Respondent No.1.
Mr. Mandar S. Ranade, for the Respondent No.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 11th AUGUST, 2022

PC.

1. Heard Mr. Atul Damle, learned senior counsel for the
petitioner and counsel for the respondents.

2. The order impugned is dated 7th October, 2015, thereby
prayer of the petitioner society for grant of deemed conveyance
under Sub-Section (3) of Section 11 of the MOFA was rejected. The
prayer of rejection of grant of deemed conveyance is principally
based on two reasons; (a) the property was mortgaged with bank;
and (b) the respondent No.4 society claimed to have rights in the
common area.

3. The respondent No.4 in principal has agreed for setting aside the aforesaid order, as it also intends to take out parallel proceedings seeking deemed conveyance. Apart from above, it is brought to my notice that the reason cited in the order impugned as regards the mortgage of the property of which deemed conveyance was sought is already informed to have been released.

4. The respondent No.4 and petitioner to that effect have entered into consent terms which are taken on record and marked "X" for identification.

5. In this background, the order impugned dated 7th October, 2015 is hereby quashed and set aside.

6. Parties hereto agree that they shall appear before the competent authority on 19th September, 2022.

7. This Court expects the competent authority to decide the rival claims of the petitioner and respondent No.4 in accordance with law.

8. The petition as such stands disposed of.

[NITIN W. SAMBRE, J.]