

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.3702 OF 2021
WITH
INTERIM APPLICATION NO.3299 OF 2022

Sulekha Manmohan Mayekar

...Petitioner

Vs.

Acharya Ashram CHS Ltd. and Ors.

...Respondents

Mr. Dushyant Sagare for the Petitioner.

Mr. M. A. Sayed, AGP for Respondent Nos.2 and 3.

Mr. Vijaykumar Kamble for Respondent Nos. 4 and 5.

Mr. S. C. Singh for Respondent No.6.

Ms. Vandana Mahadik for Respondent No.7.

CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.

DATED : 19 SEPTEMBER 2022.

P. C. :

Heard learned counsel for the parties.

2. The Petitioner has sought a writ to Respondent to allot residential units to the Petitioner and other members of Respondent No.1-Society. The case of the Petitioner is that Respondent No.1-Co-operative Housing Society and Respondent Nos.4 and 5-Developer

will have to allot the premises.

3. From the pleadings and arguments what emerges before us is a dispute between the members of the co-operative society on one hand with the society, the Developer and the managing body members of the said society on the other. The Respondents rightly take an objection that the Petitioner has an alternate remedy available.

4. Since the Petitioner has a remedy to raise a dispute in the Co-operative Court or to file a Civil Suit, we are not inclined to entertain this Writ Petition. Even otherwise, the petition would entail adjudication of several disputed questions, such as whether there was any fraud etc, which will have to be decided in appropriate forum.

4. The Writ Petition is disposed of keeping contentions of all the parties open in case the Petitioner approaches the appropriate Forum. Pending Civil Application is also disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)