

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3650 OF 2022
IN
WRIT PETITION NO. 2249 OF 1997

Navjivan Co-operative Housing Society ...Applicant

In the matter between

Navjivan Commercial Premises
 Cooperative Society ...Petitioner.

vs.

Navjivan Co-operative Housing Society & ors. ...Respondents.

Mr. Rajesh Jain a/w. Mr. Rohit Jain Ms Neha Doshi i/b Legal Juris for
 the Applicant/Respondent No.1.

Mr. Karl Shroff a/w. Mr. Mitesh Naik and Mr. Ronak Shah i/b Dhuru
 and Co. for the Petitioner.

CORAM : N.R. BORKAR, J.
DATE : 09.06.2023.

P.C. :

1. This Court on 6 May 1997 in Writ Petition No. 2249 of 1997
 passed the following order:

*"1. Counsel for parties are heard on interim relief.
 Perused impugned order and affidavit-in-reply of
 Respondent No.1.*

*2. Pending hearing and final disposal of this petition,
 there will be interim order in terms of prayer 'C' on the
 following conditions:*

*(a) Managing Committee of the Petitioner-Society
 whose names are appearing at Page 240 - Exh. H will
 function and look after building No.3 till it's tenure is over.*

*(b) Elections to Managing Committee of the Petitioner
 - Society will be held as per bye-laws on schedule time*

and new Managing Committee will function and look after building No.3.

(c) The Petitioner - Society will recover monthly compensation and other outgoings from the members/occupants of building No.3 as per provisions of the bye-laws.

(d) The petitioner - society will pay water charges to the Respondent No.1 with all arrears for water consumed or will directly pay to B.M.C., if separate arrangement is made.

(e) The Petitioner - Society will pay municipal taxes, electricity charges and all other outgoing for or against building No.3.

(f) The petitioner - Society will employ its own staff to look after building No.3.

(g) The petitioner - Society will be responsible for maintenance of the building No.3.

(h) The Petitioner - Society will not take any policy decision or dispose of or alienate or transfer or encumber or part with any part or portion of building No.3.

(i) The petitioner society will maintain true and correct accounts and will submit it for approval of Respondent No.4 as per provisions of bye-law, M.C.S. Act 1960 and Rules framed thereunder.

(j) The Petitioner- Society will recover all arrears prior to 31st March 1996 of members/occupants of building No.3 within twelve weeks from today and will pay the same to the Respondent No.1.

3. The Managing Committee of the petitioner - Society will be personally responsible in giving effect to this order. This order is passed without prejudice to rights and contentions of the parties to writ petition. Issuance of certified copy expedited."

2. Pursuant to the clause (j) of the above, said order, the petitioner society has recovered and deposited amount of Rs.19 Lakhs with this Court.
3. By the present application, the respondent No.1 has sought permission to withdraw the said amount of Rs.19 Lakhs.
4. In view of the direction contained in the clause (j) of the order dated 6 May 1997, the Application is allowed in terms of prayer clause (b).
5. The Application is disposed of.

[N.R.BORKAR, J.]