

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 688 OF 2016

Shri. Uday Pandurang Kulkarni

... Petitioner

Versus

Jeevanram Co-Operative Housing Society
Ltd. Through it's Secretary

...Respondent

Mr. Bhupesh V. Samant, for the Petitioner.

Mr. Kishor S. Patil for Respondent.

CORAM: G. S. KULKARNI, J.
DATED: JANUARY 06, 2023

PC.

1. Heard Mr.Samant, learned Counsel for the petitioner and Mr.Patil, learned Counsel for the respondent-society.

2. The order impugned in this petition is an order dated 17 November 2014 passed by the President, Maharashtra State Co-operative Appellate Court, Mumbai, whereby the appeal of the petitioner came to be dismissed.

3. The dispute between the parties is on two issues. Firstly, in regard to the claim made by the society against the petitioner for an amount of Rs.80,000/-. The second issue is in regard to the petitioner's contention on the parking facilities being provided in the premises of the society.

4. After the proceedings were heard for some time, learned Counsel for the parties states that in so far as the payment of an amount by the petitioner to the society is concerned, the dispute is intended to be amicably resolved. Mr.Samant makes a statement that his client shall pay an amount of Rs.60,000/- in full and final settlement to the respondent-society, and such amount would be paid within a period of four weeks from today. Mr.Patil, on instructions, also agrees that the Society shall receive such amount with full and final settlement. Statements as made by learned Counsel for the parties are accepted.

5. In so far as the issue in regard to parking facilities is concerned, Mr.Samant fairly states that his client be permitted to make a fresh representation in regard to the availability of the parking facilities within the society premises, which according to him, is in the mutual interest of all the members of the society. If any such representation is made, the society in its Managing Committee meeting or in a General Body meeting consider the same and in the interest of the members of the society. Mr.Patil has fairly accepted such contention of Mr.Samant.

6. The petitioner is permitted to make a representation, which be made within two weeks and the same be decided appropriately by the Society.

7. In the above circumstances, both the parties agree that further adjudication of this petition is not called for and the impugned orders are not required to be adjudicated by this Court.

8. Accordingly, further adjudication of the petition is not called for. The petition is disposed of in the above terms. No costs.

(G. S. KULKARNI, J)

Corrected as per speaking to minutes order dated 01.02.2023.