

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

**WRIT PETITION NO. 5258 OF 2015**

M/s. Kukreja Construction Company and Ors. .. Petitioners

***Versus***

Luv Kush Apartments Co-operative Housing  
Society Ltd. and Ors. .. Respondents

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Mr. Shardul Singh a/w Ms.Taruna Nagpal i/by DSK Legal for the  
Petitioners.

Mr. P.G. Sawant, AGP for the Respondent Nos.2 and 3/State.

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**CORAM : SHARMILA U. DESHMUKH, J.**

**DATED : MARCH 16, 2023**

**PER COURT :**

1. After arguing for sometime, learned counsel for the petitioners, on instructions, seeks permission to withdraw the petition. During the arguments, this Court had expressed that in view of the judicial pronouncements, the right, title and interest in the subject property do not stand concluded by grant of deemed conveyance, and as such the petitioners have now sought the withdrawal of the petition, with liberty to adopt appropriate proceedings. Learned counsel for Petitioners seeks the observation be made part of the order.

2. It is further submitted by the counsel for the petitioners that the time spent in prosecuting the present petition be permitted to be excluded.

3. As it is evident from the judicial pronouncements that an order of deemed conveyance does not conclude the right, title and interest of the parties, which can be decided in an independent civil suit, in my opinion, it is not necessary to specifically state the same. As regards the exclusion of time spent in prosecuting the present proceeding, if the Petitioners makes out a case, the trial Court, in the civil suit, if any, filed by the petitioners may consider the same on its own merits and in accordance with the law.

4. Writ Petition is disposed of.

( SHARMILA U. DESHMUKH, J. )