

Prajakta Vartak

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

WRIT PETITION NO. 6776 OF 2022

Jayshree Jagdish Patel & Ors.

..Petitioners

Vs.

Chairman/Secretary, KailashDarshan Co-op
Housing Soc. Ltd. & Anr.

...Respondents

Ms. Pooja Malik i/b. Mr. N. R. Bubna for Petitioners.

Mr. Bipin Joshi with Ms. Vedanshi Shah, Ms. Sakshi Agarwal and Mr.
Pushkar Naik i/b. Bipin Joshi for Respondent No.1.

Mr. P. P. Pujari, AGP for State.

CORAM : G.S. KULKARNI, J.

DATE : FEBRUARY 24, 2023

P.C.:

1. Not on board. Taken on board on a praecipe being moved on behalf of the petitioners.

2. This petition assails an order dated 07 March, 2012 passed by the competent authority under Section 11(3) of the Maharashtra Ownership of Flats (Regulation of the Promotion, Construction, Sale, Management and Transfer) Act, 1963. After the order was passed and in pursuance of the said impugned order, a Deemed Conveyance has already been executed on 16 November, 2022.

3. In any event the petitioners are members of the society in whose favour a deemed conveyance has been granted. In the event the petitioners have any other rights other than the membership rights of the society, the petitioners are free to adopt such appropriate proceedings to assert such rights.

4. In the aforesaid circumstances, the petition would not warrant adjudication. It is however required to be disposed of keeping open all contentions of the parties to agitate their grievance in the appropriate proceedings. All contentions of the parties in that regard are expressly kept open.

5. Disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]