

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

WRIT PETITION NO. 7387 OF 2023

M/s. Kamboj Builders	...Petitioner(s)
Versus	
My Divine Co-Op. Housing Society Ltd. And Ors.	...Respondent(s)

Mr. Ram Ugrah Singh for the Petitioner.

Adv. Imtiyaz I. Patel a/w Adv. Mohammed Shoaib Shaikh for
Respondent No. 1.

Ms. M.S. Srivastava, AGP for Respondent No. 5.

CORAM: N. R. BORKAR, J
DATED: 22 JUNE, 2023

PC:-

1. This petition takes exception to the order dated 20 October 2014, passed by the respondent No.5 under Section 11(3) of the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 granting the deemed conveyance in favour of respondent No.1 / Society.
2. The learned counsel for respondent No.1 submits that petition suffers from delay and laches, as it is filed after nine years.
3. I have perused the explanation of the petitioner in that respect. It reads thus:

*“24. The impugned order was passed on 20.10.2014. The
Petitioner states that the brother of Shri Sardar Narinder*

Singh Saudagar Singh i.e Shri Daljeet Kamboj was looking after the aforesaid matter who fallen sick in the meanwhile and was suffering from Kidney Failure. The said Shri Daljeet Kamboj ultimately succumb to the said ailment and died on 13.09.2021. The petitioner states that Shri Sardar Narinder Singh Saudagar Singh had been settled in America for last over 30 years and he had no knowledge about the said proceedings. The petitioner came to know about passing of the impugned order in the last week of the month of January, 2023. The Petitioner states that thereafter petitioner wrote a letter dated 06.02.2023 to the Respondent No. 2 to 4 and raise the grievances. The petitioner thereafter collected the copies of the relevant documents including the impugned order. The Petitioner has therefore approached this Hon'ble Court as expeditiously as possible from the date of the knowledge of the impugned order dated 20.10.2014."

4. It appears that brother of the petitioner was alive for seven years after passing of the impugned order and he did not challenge it during his life time. The present petition can not be entertained on the basis of the bald statement of the petitioner that he came to know about the impugned order in the last week of January-2023. The learned counsel for the respondent No.1 is, therefore, right in his submission that petition suffers from delay and laches.

5. The Writ Petition is dismissed. It will be, however, open to the petitioner, to avail any other remedy, if available in law, against the order impugned.

(N. R. BORKAR, J.)