

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 9915 OF 2017**

Ram V. Jagtiani

(Deceased through legal heir)

1. Shaku alias Sabita Ram Jagtiani

.. Petitioner

Versus

Chairman / Secretary, A-1, Apartment Co-op.

Hsg. Society Ltd. and Ors.

.. Respondents

**WITH****CIVIL APPLICATION NO. 218 OF 2020****IN****WRIT PETITION NO. 9915 OF 2017**

Hon. Secretary

.. Applicant

**In the Matter Between :**

Ram V. Jagtiani (Deceased)

1. Shaku alias Sabita Ram Jagtiani

.. Petitioner

Versus

Chairman / Secretary, A-1, Apartment Co-op.

Hsg. Society Ltd. and Ors.

.. Respondents

**WITH****INTERIM APPLICATION NO. 2677 OF 2020****IN****WRIT PETITION NO. 9915 OF 2017**

Ram V. Jagtiani

(Since deceased)

Shaku alias Sabita Ram Jagtiani

Applicant/

.. Org.Petitioner

Versus

Chairman / Secretary, A-1, Apartment Co-op.

Hsg. Society Ltd. and Ors.

.. Respondents

- .....
- Ms. Dipti Bhuta a/w. Kanchi K. Joshi i/by Mr. Prakash Jani for Petitioner
  - Mr. Amar Ashok Gharte a/w. Mr. Vivek Arya for Respondent No.1
  - Mr. P. P. Pujari, AGP for Respondent - State
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : JANUARY 11, 2023.**

**P.C.:**

1. Heard Ms. Bhuta, learned Advocate for Petitioner; Mr. Gharte, learned Advocate for Respondent No.1 and Mr. Pujari, learned AGP for Respondent-State.

2. Learned Advocates appearing for the parties have submitted that the parties to the Petition have amicably arrived at a settlement and pursuant thereto, they have tendered Consent Terms dated 11<sup>th</sup> January, 2023. The Consent Terms are taken on record and marked “X” for identification.

3. Parties who have executed the Consent Terms are present in Court and confirm the instructions given to the Advocate to draw up Consent Terms and also confirm their signatures.

4. The Consent Terms are signed by Constituted Attorney holder of Petitioner, Joint Secretary of Respondent Society as well as their respective Advocates. The undertakings recorded in the Consent Terms are accepted as undertaking given to this Court.

5. Appended copies to the Consent Terms are, Annexure-A is a copy of Resolution of the Managing Committee dated 10.01.2023 and Annexure -B is a copy of General Power of Attorney is dated 10.02.2014.

6. The Registrar, Appellate Side, High Court, Bombay is hereby directed to pay over to the Respondent No.1 – A-1 Co-operative Housing Society Ltd. the entire amount along with accrued interest deposited by the Petitioner and lying deposited with this Hon'ble Court as per order dated 04.02.2019 passed by this Court in the above Writ Petition.

7. In view of the Consent Terms, order dated 10.01.2017 passed by the Deputy Registrar, Co-operative Societies, Mumbai in Appeal No. 13 of 2016 stands set aside.

8. In view of the Consent Terms, Writ Petition, Civil Application No. 218 of 2020 as well as Interim Application No. 2677 of 2020 stands disposed of.

9. No order as to costs.

[ MILIND N. JADHAV, J. ]

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SATISH  
KILAJE

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by SONALI  
SATISH KILAJE  
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