

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13655 OF 2022

Motiram Laxman Patil Since Deceased & Ors. ...Petitioners
Versus
Mangalamurti Co-op Housing Society Ltd. & Ors. ...Respondents

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Mr. Dadhichi S. Mhaispurkar, for Petitioners.
Ms. Y. K. Parashtekar i/by Ms. Rupali Y. Sapre for Respondent No.1.
Mrs. V.S. Nimbalkar, A.G.P. for Respondent Nos.2 to 7.

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CORAM : SANDEEP V. MARNE, J.
DATE : OCTOBER 17, 2023.

P.C.:

1. The challenge in the present Petition is to the order dated 20 May 2021 passed by the Competent Authority cum District Deputy Registrar Co-operative Societies, Thane, granting unilateral deemed conveyance in favour of the Respondent No.1 – Society.

2. It appears that after passing of order dated 20 May 2021, the Society has filed application for rectification of the order on 11 January 2022 contending that the name of some of the owners were inadvertently left out while filing application for issuance of deemed conveyance.

3. Since the Society itself is seeking rectification of the order dated 20 May 2021, it would be appropriate that the parties are relegated before the Competent Authority and the application for grant of deemed conveyance is heard and decided afresh allowing the amendment as sought for by the Society.

4. Accordingly the Writ Petition is disposed of by setting aside order dated 20 May 2021 passed by the competent Authority. The Competent Authority shall proceed to allow the application filed by the Society for amendment of the application. The amended application be decided afresh after grant of the opportunity of hearing to all the parties concerned.

5. All the questions raised in the present Petition are left open. The application for deemed conveyance shall be decided afresh without being influenced by the observations made in the order dated 20 May 2021.

6. With the above directions, Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)