



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

WRIT PETITION NO.3681 OF 2019

M/s. Gandhi and Associates,
through its Partners

Shri. Navneet Uttamchand Gandhi & Anr.

...Petitioners

Versus

Silvans Building No.A, Apartment Condominium
through its Partners

Shri. Rahul Bhaskar Mhaske & Ors.

...Respondents

Mr. S. C. Wakankar, for the Petitioners.

Mr. Rahul B. Mhaske, Respondent No.1 in person present.

Mr. S. D. Rayrikar, AGP, for the State/Respondent No.5.

CORAM : MADHAV J. JAMDAR, J.

DATED : 9th OCTOBER 2023

P.C. :

1. Heard Mr. Wakankar, learned counsel appearing for the Petitioners, Mr. Rahul Bhaskar Mhaske-Respondent No.1, who appears in person and Mr. S. D. Rayrikar, learned AGP appearing for the State/Respondent No.5.

2. By the present Writ Petition, the challenge is to the legality and validity of the order dated 22nd May 2018 passed by the Competent

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Authority alias learned District Deputy Registrar, Co-operative Societies, Pune city, Pune. By the impugned order, deemed conveyance has been granted in favour of Respondent Nos.1 to 4.

3. Mr. Wakankar, learned counsel appearing for the Petitioners states that thereafter, dispute between the Petitioners and Respondent Nos.3 and 4 is settled. Thus in effect, the order challenged is with respect to deemed conveyance granted regarding flat No.16 in favour of Respondent Nos.1 and 2. It is settled legal position that an order granting deemed conveyance will not conclude the issue of right, title and interest in the immovable property.

4. In view of the above legal position, Mr. Wakankar, learned counsel appearing for the Petitioners states that arbitration proceedings are already filed between the parties and he states that all the contentions which he is raising in the present petition be kept open for agitating before the Arbitration Tribunal.

5. Mr. Rahul Mhaske-Respondent No.1, who is appearing in person states that the claim before the learned Arbitrator is time barred and there are other contentions on merits which he can point out on the basis of which the claim of the Petitioners cannot be granted even by the learned Arbitrator and he also states that

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criminal prosecution is ongoing against the Petitioners.

6. However, it is a settled legal position as noted hereinabove that an order granting deemed conveyance doesn't conclude the issue of the title. Therefore, although Writ Petition challenging order dated 22nd May 2018 granting deemed conveyance is dismissed, however, it is clarified that all contentions of both the parties on merits including the contentions of Respondent Nos.1 and 2 that the claim is time barred and other contentions are expressly kept open.

7. It is also clarified that the contentions of all the concerned in the said criminal proceedings are also expressly kept open.

8. Accordingly, the Writ Petition is dismissed, subject to above, with no order as to costs.

[MADHAV J. JAMDAR, J.]