

Arjun

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

WRIT PETITION NO.11034 OF 2023

Arvind Keshav Aherao

...Petitioner

V/s.

Omkarswarup Sahakari Grihrachana
Sanstha Maryadit & Ors.

...Respondents

Mr. Nitin P. Deshpande, for the Petitioner.

CORAM : MADHAV J. JAMDAR, J.

DATED : SEPTEMBER 05, 2023

P.C.:

1. Heard Mr. Deshpande, learned counsel appearing for the Petitioner.

2. The Petitioner is one member of the Respondent No.1-Society. The Petitioner by filing Appeal No.76 of 2022 challenged the legality and validity of the Judgment and Award dated 22nd August 2022 passed by the learned Judge, Co-operative Court No.1, Pune in Dispute No.184 of 2011. By the impugned order dated 6th June 2023, learned Member, Maharashtra State Co-operative Appellate Court Mumbai, Bench Pune dismissed the said Appeal No.76 of 2022 arising out of Judgment and Award dated 22nd August 2022 passed by the learned Judge, Co-

operative Court No.1, Pune in Dispute No.184 of 2011. The said dispute is dismissed by the Judgment and Award dated 22nd August 2022 passed by the learned Judge, Co-operative Court No.1, Pune. In the said dispute, the Petitioner has challenged the resolution passed by the Society, by which, membership has been allotted to the Respondent No.6.

3. It is the contention of learned counsel appearing for the Petitioner that as per bye-laws of the Society, the premises occupied by member has to be transferred in favour of other member and not the third person. He further states that the Petitioner is interested in purchasing the flat in question which was acquired by the Respondent No.6 who is not the member of the Society, however, the Society has accepted membership of the Respondent No.6.

4. Both the authorities have held that the Society has passed the resolution in legal manner. Therefore, this is not a case where, interference by this Court under Article 227 of the Constitution of India is warranted.

5. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]