

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11880 OF 2022

Dr. Samant and Ors.

.. Petitioners

Versus

Chogle Dham Co-operative Housing Society Ltd.
and Ors.

.. Respondents

.....

- Mr. R.D. Soni a/w. Mr. Sujay Gawade and Mudita Pawar i/by Shree & Co. for Petitioners.
- Mr. A.V. Anturkar, Senior Advocate a/w. Beeny Joseph, Nikunj Mehta, Ms. Pallavi Kaamath i/by BJ Law Offices LLP for Respondent No.1.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 14, 2023.

P.C.:

1. Heard Mr. Soni, learned Advocate for Petitioners and Mr. Anturkar, learned Senior Advocate for Respondent No.1 for some time.

2. In so far as the occupation of the subject flat is concerned, the Petitioners are required to be declared as members of the Society of the subject flat as well as the three garages.

3. Be that as it may, for the purpose of seeking declaration this Court thought it fit to put to both parties that in the event if the Application is made by Petitioners, the Society shall considered the same in accordance with law by following the procedure prescribed by the Maharashtra Cooperative Societies Act, Rules and the byelaws.

4. Mr. Anturkar would submit that in view of the observations made in paragraph No.13 of the impugned order, the draft conveyance submitted by the Society to the Sub-Registrar is withheld and would not go through and therefore seeks clarification. It is clarified that the draft conveyance that would be submitted by the Society to the Competent Authority would not be withheld due to the observations made in paragraph No.13 of the impugned order and the Society is directed to ensure that the subject flat and three garages presently occupied by the Petitioners, in the event of the Application made by them for seeking membership of the Society, the said Application will be dealt with strictly in accordance with law.

5. With the above directions, the rights of the Petitioners in the said flat and garages undoubtedly stand protected to that extent.

6. With the above directions, the Sub-Registrar is directed to take further steps in respect of the draft conveyance submitted by the Society.

7. In the event if the Application made by the Petitioners to the Society for seeking membership dealt with as expeditiously as possible.

8. With the above directions, Writ Petition is disposed. Liberty to apply.

[MILIND N. JADHAV, J.]