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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3036 OF 2017**

Mr. Atamaram Krushnaji Bhoir(since Decd) ... Petitioners
and Ors

vs.

The President/the Secretary/ the Treasurer
Ajinkya Co-operative Housing Society Ltd and ... Respondents
Ors

Mr. Chantan Y. Shah, for Petitioners.

CORAM : GAURI GODSE, J.

DATED : 8th APRIL 2024

P.C. :-

1. This petition takes exception to the order passed under section 11 of the Maharashtra Ownership Flats(Regulation of the promotion of Construction, Sale, Management and Transfer) Act 1963 (“**MOFA**”), granting Unilateral Deemed Conveyance in favour of respondent no.1 society. Petitioners claim to be the owners of the property which is developed by respondent no.2.

2. Learned counsel for the petitioners submitted that the petitioners being the owners of the property were entitled to receive consideration from respondent no.2. Hence, the impugned order

granting the Unilateral Deemed Conveyance affected the petitioners' claim in the property as against respondent no.2. He further submits that the petitioners were not served with any notice, hence they could not attend the hearing of the proceedings under section 11 of the MOFA. He further submits that the impugned order is a non-speaking order, and the petitioners' ownership rights are not considered while passing the order.

3. I have perused the papers. The impugned order granting the Unilateral Deemed Conveyance in favour of respondent no.1 society is based on the documents produced before the Competent Authority, which must be considered for deciding the application for the grant of Unilateral Deemed Conveyance. The reasons recorded by the Competent Authority do not call for any interference. I do not see any illegality or error in the reasons recorded by the Competent Authority.

4. The law regarding the grant of the Unilateral Deemed Conveyance is no more *res integra*. The order under section 11 of MOFA does not adjudicate upon the property's title. The petitioners' claim is regarding the non-receipt of the entire consideration amount from respondent no.2. Hence, no prejudice is caused to the petitioners by the impugned order. The learned counsel for the

petitioners is unable to point out as to what prejudice is caused to the petitioners by the impugned order. The impugned order will not affect the petitioners' claim against respondent no.2. Hence, on the said ground, no interference is called for in the impugned order.

5. Hence, for the reasons stated above, the petition is dismissed.

(GAURI GODSE, J.)