

flat stood in the name of the partnership firm. The document of transfer relied upon by respondent no.4 was executed only by one of the heirs of one of the partners. Hence, the title document relied upon by respondent no.4, was not a valid document. She further submitted that the procedure necessary for applying for admitting the person as a member was not followed. Hence, the impugned orders are not in accordance with the provisions of the MCS Act and the Rules framed thereunder for admitting the subsequent purchaser as a member of the society.

3. I have perused the papers. Considered the submissions. Essentially, the objection raised on behalf of the petitioner appears to be on the validity of the document of title relied upon by respondent no.4. A perusal of the reasons recorded in the impugned orders indicates that the authorities have rightly held that the issue of title of registered document relied upon by respondent no.4 cannot be looked into in the proceedings filed under Section 23(2) of the MCS Act. It is not the case of the petitioner that the document of title relied upon by respondent no.4 is disputed by any other party claiming any right in the concerned flat.

4. Once the necessary procedure for admitting the subsequent purchaser as a member is complied with, the society has to admit

the subsequent purchaser as a member in accordance with the prescribed procedure under the MCS Act, the Rules framed thereunder and the bye-laws. Even otherwise, all the objections raised on behalf of the petitioner are considered by both authorities. After giving reasons, the order is passed directing the society to admit respondent no.4 as a member of the society.

5. I do not find any illegality or infirmity in the reasons recorded in both the impugned orders. The petition is devoid of any merits. Hence, the petition is dismissed.

(GAURI GODSE, J.)