

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

**REVIEW PETITION NO.118 OF 2023
IN
WRIT PETITION NO. 10667 OF 2019**

Ms. Aarti Ravindra Khamkar ...Review Petitioner

V/s.

The State of Maharashtra ...Respondent

Ms. Aarti Ravindra Khamkar for Petitioner.

CORAM: MADHAV J. JAMDAR, J.

DATE: 16th January 2024

P.C. :

1. The Review Petition is filed by the Petitioner-Aarti Khamkar.
2. In the Writ Petition challenge is to the Recovery Certificate dated 25th June 2019 issued in favour of the Respondent No.2-Society. The Recovery Certificate has been issued against Smt. Sujata Khamkar and Shri. Nitin Khamkar, mother and brother of the Review Petitioner respectively. The Recovery Certificate has not been issued against the present Review Petitioner-Aarti Khamkar.

3. As far as Society records are concerned, the Share Certificate is in the name of mother- Sujata Khamkar and brother Nitin Khamkar. The Petitioner has preferred the Writ Petition as well as the Review Petition on the ground that she has a right, title and interest in the said flat. However, as far as the said dispute is concerned, the Petitioner is at liberty to file appropriate civil proceedings against her mother and brother for establishing her right to the said flat. Therefore, there is no substance in the Review Petition.

4. However, as it is the contention of Aarti Khamkar-the Review Petitioner that she has got some right, title and interest in the flat in question, the Petitioner is at liberty to file appropriate civil proceedings against her mother and brother for establishing her right to the said flat. All contentions in such a civil proceedings if filed, are expressly kept open.

5. As far as challenge to the Recovery Certificate is concerned, there is an alternate remedy of revision under Section 154 of the Maharashtra Co-operative Societies Act, 1960. In fact certain statements are made on behalf of the

Review Petitioner and her mother and by accepting said statements, certain directions are given.

6. No ground is raised to review the order. The Review Petition is dismissed subject to above.

(MADHAV J. JAMDAR, J.)