

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

WRIT PETITION NO. 1279 OF 2024

Shree Gagandeep Co Operative
Housing Society Ltd.

...Petitioner

Versus

Harshad Mehta And Anr

...Respondents

....

Mr. Vikram N. Walawalkar, with Mr. Amey Sawant, for the Petitioner.

None, for the Respondents.

....

CORAM : AVINASH G. GHAROTE, J.

DATE : 10th JULY, 2024

P.C.:

1. Heard, the learned counsel for the petitioner. It is contended that despite the admitted position that the Agreement of Sale of 2009, on the basis of which the predecessor of the respondents claims to have purchased the terrace adjoining the Flat No. 601, was not placed on record and so also the Resolution dated 11.01.1998 claimed to have been passed by the petitioner-society in favour of Shri. Prakash Shah, which is also related to the use of terrace was not on record (page 159), the Courts below have granted an injunction restraining the petitioner-society from user

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of the said terrace. The learned counsel for petitioner-society submits that the right to use the terrace was never transferred in favor of the respondents or his predecessor on account of which the impugned order and judgment is not sustainable. List the matter for final disposal on 29.07.2024.

2. The petitioner to serve the respondents by all modes available in law.

(AVINASH G. GHAROTE, J.)