

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

WRIT PETITION NO. 8045 OF 2024

Amol Vijay Joshi
Versus
Chinar Heights Co Op Soc Ltd And Ors

...Petitioner
...Respondents

....

Mr. Shankar P. Thorat, with Mr. Gurunath B. Walawalkar, for the Petitioner.

Mr. Tejesh Dande, with Mr. Bharat Gadhavi & Mr. Aniket Shitole, i/b Tejesh Dande & Associates, for Respondent No.1.

Mr. S.D. Rayarikar, A.G.P for the Respondent – State.

....

CORAM : AVINASH G. GHAROTE, J.
DATE : 1st AUGUST, 2024

P.C.:

1. On hearing the learned counsel for the parties, the following position was recorded on 30.7.2024,

“1. The grievance of the petitioner, is that though the petitioner, was allotted ground floor and basement in the building constructed on plot C.T.S. No.33/9, Final Plot No.31+32/9, Erandvane, Pune, which is an admitted position by the learned counsel for the respondent No.1, in respect of which the respondent No.1 society had applied for deemed conveyance, the

ARUN
RAMCHANDRA
SANKPAL

Digitally signed by
ARUN
RAMCHANDRA
SANKPAL
Date: 2024.08.01
19:38:15 +0530

list of allottees, which is annexed with the deemed conveyance, does not figure the name of the petitioner. The only reason, why the name is deleted, is stated to be a suit pending between the petitioner and his sister, in which an order of injunction has been granted not to create third party interest. It is contended that such an order would not permit the respondent No.1 to delete the name of the respondent No.1 from the list of allottees and therefore, the respondent No.1 is required to be directed to execute the correction deed to the deed of deemed conveyance, to include the name of the petitioner, in respect of the property, which is allotted to him, as indicated in the table at Sr.No.1 (page 37).

2. The learned counsel for the respondent No.1 seeks a day's time to take instructions and make a statement in this regard, considering which place the matter on 01.08.2024."

2. Today, the learned counsel for the petitioner upon instructions seeks to delete the respondent Nos. 3 to 7. The deletion is permitted at the risk and consequences of the petitioner. The deletion be carried out forthwith.

2. Today, Mr. Tejesh Dande, learned counsel for the respondent No.1-society, upon instructions submits that Deemed Conveyance

includes the name of the petitioner, being a member of the society and property as described in row No.1 of the table at page 37, forms a part and parcel of the Deemed Conveyance dated 21.12.2023 as registered with the concerned Sub Registrar and therefore right, title and entitlement of the petitioner, vis-a-vis the said property stands admitted and secured.

3. Mr Shankar P. Thorat, learned counsel for the petitioner submits that the aforesaid statement of the Mr. Dande, learned counsel for the respondent No.1 on behalf of society, satisfies his grievance.

4. The petition is disposed of in view of the statement made by Mr. Dande, learned counsel for the respondent No.1 as recorded above.

(AVINASH G. GHAROTE, J.)