IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9630 OF 2024

VASANT ANANDRAO IDHOL

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Date: 2024.07.16 17:00:47 +0530

Bhavesh Harish Solanki ...Petitioner
Versus
Swatantara Bhavan Co-Operative Housing Soc. Ltd. & Others. ...Respondents

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Mr.Kishor Patil with Mr.Pratik B. Rahade for the Petitioner.

CORAM : AVINASH G. GHAROTE, J.
DATE : 16th JULY 2024

P.C.:

1. it is contended that in terms of the consent terms filed in case No.1724 of 1973, before the Co-operative Court in Dispute between the respondent No.1 and father of the petitioner by virtue of clause 2, the father of the petitioner was permitted to park two cars opposite Garage No.5 and by the side of wall of “C” building. It is contended that by passing an award, the Dispute No.1724/1973, has been disposed off by an award dated 20.04.1976, (page 185) in terms of the consent terms (page 243). The respondent No.1 society has in its meeting held on 17.10.2022, passed a Resolution No.10 in its meeting, holding

that commercial parking would only be allowed for a time slot to 10.00 a.m. to 7.00 p.m. Several other resolutions have been passed. It is contended that this has the effect of nullifying clause 2 of the consent terms which are binding upon the respondent No.1 society. The Co-operative Court by an order below Exhibit - 5 dated 29.09.2023 (page 92) has restrained the society from implementing the resolution dated 17.10.2022, to the extent it seeks imposition of penalty vide clause 10 (xiii) however, clause 2 of the consent terms have not been taken into consideration. The Appeal against the same has also been dismissed.

2. Issue notice to the respondents for final disposal, returnable on 30.07.2024.

(AVINASH G. GHAROTE, J.)