

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12745 OF 2024**

Vijay Shankar and anr.

... Petitioners

Versus

Sai Vihar Residency Condominium and Apartment
Condominium through its President D. P. Paranjape
and Sec.

... Respondents

Mr. Dushyant Purekar along with Mr. Rajat Dedhia, Advocate for the
Petitioners.

CORAM : R. M. JOSHI, J.

DATED : 24th SEPTEMBER, 2024.

P.C. :

1. Learned counsel for the petitioners submits that the Deputy Registrar, while passing order dated 12th October 2022, has not recorded any reasons to hold that any structural change has been effected by the present petitioners in order to entertain the application filed before him. It is his further submission that there are three structural audit reports i.e. one at the instance of Condominium and two at the instance of the present petitioners. He drew attention of the Court the said reports, which do not indicate any structural change having been made in the premises by the petitioners. He referred to paragraphs 31 to 33 of the order dated 25th April 2024 to submit that the Co-operative Court has committed error in replacing his opinion against the opinion of the expert i.e. Structural Engineer, who in no uncertain terms, has stated that there is no structural change in the premises. In view of this, petitioners have made out

arguable case. As such, issue notice to the respondents returnable on **11th November 2024.**

2. Till next date of hearing, there shall be interim relief in terms of prayer clause (c) of the petition.

(R. M. JOSHI, J.)