



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13885 OF 2024

Krishna Kunj Annexe Co-Op Hsg.Society Ltd.
and Ors.

... Petitioners.

Versus

Elite Diganostic Center Pvt.Ltd. and Ors.

... Respondents.

WITH

WRIT PETITION NO.5379 OF 2015

Krishna Kunj Annexe Co-Op Hsg.Society Ltd.
and Ors.

... Petitioners.

Versus

M/s. Nayan Construction Co.Pvt.Ltd. and ors.

... Respondents.

Mr. Shreeram Kulkarni i/by Vrushali Kabare for the Petitioners.
Respondent No.2 in-person present.
Ms. V.S. Nimbalkar, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : December 10, 2024

P. C. :

1. By this Petition, the exception is taken to the order of de-registration dated 3rd September, 2024 passed by the Divisional Joint Registrar on the ground of jurisdictional error.
2. Petition has chequered history as there was previous litigation between the parties. In the year 2013, the deemed conveyance Application was filed by the Petitioner-Soceity which

came to be rejected, as against which Writ Petition was filed in the year 2014. The Petition was taken up for hearing in August, 2024, and the Respondent No.2 appeared and sought time to engage Advocate. On 30th August, 2024, when the matter was listed for final disposal, the same was part-heard and adjourned to 4th September, 2024, on which date, the Advocate for the Respondent No.2 sought time and the matter was adjourned to 10th September, 2024.

3. In the meantime, the Application for de-registration of Society which was filed in the year 2014 was concluded and by order dated 3rd September, 2024, the Application is allowed and the Society is de-registered. The contention of Mr. Kulkarni is that though the order is passed on 3rd September, 2024, the same refers to an affidavit-in-rejoinder which was filed by the Respondent No.2 through e-mail on 3rd September, 2024, which was not served upon the Petitioners and on the same day the order came to be passed.

4. It is sought to be disputed by Respondent No.2, who appears in-person that in the year 2016 itself, the affidavit-in-rejoinder was served. Irrespective of that in my view, since the an email has been addressed on 3rd September, 2024, a copy thereof ought to have

been marked to the Petitioner-Society. The Divisional Joint Registrar without verifying whether the copy of the affidavit-in-rejoinder is served upon the Petitioners, have accepted the said affidavit and proceeded to pass order on the same day.

5. Let the learned AGP verify from the records of the Application No.25 of 2014, whether the affidavit-in-rejoinder sent through e-mail on 3rd September, 2024 is the same affidavit which has been served on 20th June, 2016.

6. List the Petition under the caption for “circulation” on **17th December, 2024.**

[Sharmila U. Deshmukh, J.]