

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 346 OF 2024
WITH
INTERIM APPLICATION NO. 8280 OF 2024

Nitin J. Shah And Another ...Appellant
Versus
Shreemad Gokul Apartment Co-op. Hsg Soc. Ltd. ...Respondents
Through Its Secretary Mr. R.S. Mehta And Another

Mr. Bhavin Gala i/b. Mr. Tejas Shah, for Appellant.

CORAM : M.M. SATHAYE, J.

DATE : 27th NOVEMBER, 2024

P.C. :

1. Heard learned counsel for the Appellant.
2. By the impugned order, the motion filed by the Appellant restraining the Respondent No.1-Society from levying penalty towards possession of the subject matter terrace, is dismissed.
3. The Appellant has filed suit seeking declaration of ownership in respect of subject matter terrace. It is the claim of the Appellant that the said terrace is exclusively owned by the Appellant. From the impugned order, it is seen that the case of Respondent No. 1-Society is that the said terrace is a common amenity.
4. In light of these rival contentions, as also considering that the

suit is of the 2018, **issue notice to the Respondents, returnable on 16.12.2024.**

5. In addition to Court notice, private notice is permitted. Notice to indicate that subject to time constraints, an endeavor will be made to finally hear and dispose of the appeal at the admission stage.

(M.M. SATHAYE, J.)