

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

MISCELLANEOUS PETITION NO. 112 OF 2019

The Administrator General ... Petitioner
Versus
Jai Shree Krishna Co-operative Housing
Society Ltd. ... Deceased

Mr. Sukanta Karmakar, AGP for the Petitioner.
Mr. Jash B. Vyas for Respondent.

CORAM: MANISH PITALE, J.

DATE : 6 FEBRUARY 2024

P.C. :

. Heard learned counsel for the parties.

2. By this petition, the petitioner i.e. the Administrator General of the Maharashtra State has invoked Section 10 of the Administrators-General Act, 1963 (hereinafter referred to as 'the Act'), to administer the subject property by exercising powers under Section 10 of the said Act.

3. Mr Karmakar, learned AGP appearing for the petitioner invited attention of this Court to the order dated 17th July 2008 passed by this Court in Notice of Motion No. 2375 of 2008 in Suit No. 1840 of 2008, whereby this Court appointed the

petitioner to take possession of the subject property i.e. a flat located in the respondent - Co-operative Housing Society. The petitioner was also permitted to carry out repairs in the said flat and to submit a report to this Court. The aforesaid suit has been filed by the respondent-Society in respect of the subject flat. It is informed that the aforesaid suit was transferred to the City Civil Court and that it is pending as on today.

4. The respondent-Society has filed reply affidavit in the present petition indicating that it has no objection to the prayers being granted. But, a concern is raised about the amount due in respect of the said flat.

5. This Court has perused Section 10 of the said Act. It empowers the petitioner i.e. the Administrator General, Maharashtra State to exercise appropriate powers to maintain properties, which is in this case is the subject flat.

6. Considering the contents of the petition and the purpose for which the petitioner has approached this Court, the petition deserves to be allowed.

7. In view of the above, the petition is allowed in terms of prayer clauses (a) and (b).

8. The respondent-Society would be at liberty to take such

steps as available in law for recovery of the amounts due in respect of the said flat.

MANISH PITALE, J.