

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1756 OF 2024

Viva Divine Ventures

...Petitioner

Versus

Madhu Jeevan Jyoti Co-operative Housing ...Respondents
Society Limited & Ors.

Mr. Sachin Mhatre a/w. Ms. Diksha Shirodkar, Advocates, i/b.
Mhatre Law Associates, for the Petitioner.

Mr. Hitesh Rajpurohit a/w. Ms. Ami Oza, Mr. Bishwajeet Mukherjee
and Mr. Rajeev Sharma, Advocates, for the Respondent No.1.

Mr. Milind More, Addl. G.P., a/w. Ms. Manisha Gawde, AGP,
Advocate, for the Respondent Nos.2 to 5-State.

Mr. Mutahhar Khan, Advocate i/b. M. V. Law Partners, for the
Respondent No.6.

CORAM: MADHAV J. JAMDAR, J.

DATED : 7th AUGUST 2024

P. C.:

1. On earlier occasion, I have heard Dr. Abhinav Chandrachud, learned Counsel appearing for the Petitioner, Mr. Rajpurohit, learned Counsel appearing for the Respondent No.1, Mr. More, learned Additional Government Pleader appearing for the Respondent Nos.2 to 5 and Mr. Khan, learned Counsel appearing for the Respondent No.6.

2. After arguing the matter for some time, Dr. Chandrachud, learned Counsel appearing for the Petitioner sought time to take

instructions in view of the settled legal position that order granting Deemed Conveyance does not conclude the issue of title.

3. Today, Mr. Mhatre, learned Counsel appearing for the Petitioner on instructions, seeks leave to withdraw the Writ Petition with liberty to file a Suit.

4. Accordingly, the Writ Petition is allowed to be withdrawn and disposed of with liberty to file a Suit.

5. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

6. It is also clarified that the observations in the impugned order granting Deemed Conveyance are for the purpose of consideration of Application of Deemed Conveyance.

7. Accordingly, if the Suit is filed, the same be decided on merits.

[MADHAV J. JAMDAR, J.]

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