

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 793 OF 2025

Sunil Maruti Parab

...Petitioner

V/s.

Akshay Sahaniwas Co-operative
Housing Society Ltd. and Anr.

...Respondents

Mr. Harshal Parab *for the Petitioner.*

Mr. Kaustubh Borwankar *for Respondent No1.*

CORAM : SANDEEP V. MARNE, J.

Dated : 21 January 2025.

P.C. :

1) The Petition challenges non grant of interim reliefs desired by the Petitioner in Application at Exhibit-5. The Cooperative Court has granted limited interim relief in favour of the Petitioner by restraining the Chairman from acting as such during pendency of the Dispute Application. It appears that Petitioner was pressing for additional interim reliefs, which are not granted by the Cooperative Court, on account of which he filed Appeal before the Cooperative Appellate Court.

2) The learned counsel appearing for the Petitioner would submit that the observations recorded by the Appellate Court are

such that the same are bound to have adverse impact on the decision of the Dispute finally by the Cooperative Court.

3) In my view, the observations made by the Appellate Court are merely *prima facie* and cannot bind the Cooperative Court while deciding the dispute finally. Therefore, the apprehension expressed by the Petitioner is clearly misplaced. Since the Petition arises out of rejection of part of the interim reliefs in favour of the Petitioner, I am not inclined to entertain the present Petition and touch upon the merits of the Dispute Application while determining correctness of the order denying full and complete interim reliefs in favour of the Petitioner. Instead, it would be appropriate that the Cooperative Court takes up the Dispute Application for final disposal. While deciding the Dispute Application finally, the Co-operative Court shall not be influenced in any manner by orders dated 16 August 2024 and 17 October 2024. The Dispute Application shall be decided by the Co-operative Court on its own merits. This would sufficiently protect the interest of the Petitioner.

4) With the above clarification and leaving open all the questions raised in the Petition on merits, the Writ Petition is disposed of.

[SANDEEP V. MARNE, J.]