

Ashish

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

**REVIEW PETITION NO.68 OF 2024
IN
WRIT PETITION NO.473 OF 2024**

Rajendra Ganpatrao Kamble ... Petitioner

V/s.

The Competent Authority and District,
Dy Registrar Co.op- Soc Pune City and
ors

... Respondents

Mr.Rahul Karnik a/w Mr. Kedarnath Maniyar i/b Mr. K.
R. Maniyar, for Petitioner.

Mrs. M.S. Srivastava, AGP for State- Respondent.

CORAM : AMIT BORKAR, J.

DATED : MARCH 26, 2025

P.C.:

1. The petitioner has preferred the present Review Petition seeking review of the order dated 10th April 2024 passed by this Court, primarily on the ground that this Court has proceeded on the footing as if it was considering an order passed by the Competent Authority under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (for short, "MOFA"), thereby granting deemed conveyance in favour of the Co-operative Housing Society. However, upon a careful and minute perusal of paragraphs 5 to 8 of the said judgment, it is evident that this Court had in fact examined the controversy from the standpoint of

compliance with and satisfaction of the statutory requirements under Section 10(1) of the MOFA. The judgment cited in paragraph 7 pertains to the registration of a deed of apartment under the provisions of the Maharashtra Apartment Ownership Act, 1970, and not under MOFA. Therefore, I am of the considered view that this Court had duly considered the grievance raised by the petitioner in the specific context of whether the ingredients stipulated under Section 10(1) of the MOFA stood fulfilled in the facts of the case.

2. That being said, it appears that certain observations made in paragraphs 1, 3, and 4 of the judgment inadvertently refer to the execution of a unilateral deemed conveyance. Upon close scrutiny, it is evident that such references are the result of a clerical or typographical error, and do not reflect the true scope of the adjudication undertaken by this Court. Consequently, the same require to be corrected and clarified appropriately. Accordingly, the expression "granted" in the context of deemed conveyance is directed to be read and substituted with the expression "directing registration of the Co-operative Society".

3. Likewise, the expression "convey the title of the building and land in favour of the proposed Society" shall stand substituted with the expression "register the Society".

4. Similarly, the expression "execution of unilateral deemed conveyance" appearing in paragraph 4 of the judgment shall be substituted with the word "registration".

5. Furthermore, the expression "confer title of land and

buildings to the Association of" appearing in paragraph 6 shall also be appropriately substituted with the expression "register the Society".

6. With the aforesaid corrections and clarifications, which are necessitated to rectify clerical and typographical errors and to accurately reflect the reasoning and intent underlying the judgment dated 10th April 2024, the present Review Petition stands disposed of.

(AMIT BORKAR, J.)