



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

**INTERIM APPLICATION NO.10253 OF 2024
IN
WRIT PETITION NO.8477 OF 2017**

1(b)(i) Malet Leslie Rodriques and
Ors.

...Applicants

In the matter between

1(b)(i) Malet Leslie Rodriques and
Ors.

...Petitioners

V/s.

Secular Co-op. Housing Society Ltd.
and Ors.

...Respondents

Mr. Yatin Shah *for the Applicants / Petitioners.*

None for the Respondents.

CORAM: SANDEEP V. MARNE, J.

Dated: 3 SEPTEMBER 2025.

P.C.:

1) Heard Mr. Shah, the learned counsel appearing for the Petitioners/Applicants. None appears on behalf of the first Respondent -Society.

2) Interim Application No.10253 of 2024 is filed for bringing on record legal heirs of Respondent No.2(C).

Respondent No.2(C) is not a contested party. However, for completion of record, Petitioners are permitted to bring on record legal heirs of Respondent No.2(C). Amendment to be carried out forthwith.

3) After hearing Mr. Shah, it is seen that the flat purchase agreement contemplated construction of the building only on plot bearing CTS No.773. IOD and CC were also issued in respect of the plot bearing CTS No.773. The plan sanctioned by the Planning Authority indicates that the same is in respect of the land admeasuring 504.16 sq.meters. However, what is conveyed vide deemed conveyance certificate dated 9 March 2017 is land bearing CTS Nos.773, 773/1, 773/2, 773/3, 773/4, 773/5, 773/6 and 773/7 total admeasuring 683.33 sq.meters.

4) Mr. Shah would submit that the land bearing CTS Nos.773/1 to 773/7 were never subject matter of flat purchase agreement executed under Section 5 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963. Objection of the Petitioners is that the land, which was not subjected to the development under the Agreement for Sale has been erroneously conveyed in favour of Respondent No.1-Society. Mr. Shah submits that Petitioners do not have objection for conveyance of land admeasuring 504.16 sq.meters bearing CTS No.773. Petitioners however have opposed to conveyance of balance portion of land bearing CTS Nos.773/1 to 773/7. This is the limited controversy

involved in the Petition. However, on account of non-appearance on the part of the first Respondent -Society, hearing of the Petition could not progress.

5) List the Petition for further consideration on **16 September 2025.**

6) It is made clear that if non-appearance on behalf of the first Respondent-Society continues on the next date of hearing, Petition shall be decided in absence of first Respondent -Society.

7) Interim Application stands disposed of.

[SANDEEP V. MARNE, J.]