

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13789 OF 2024
IN
WRIT PETITION NO. 138 OF 2019

Brookhill Co-operative Housing Society Ltd. ...Applicant

Versus

The Divisional Joint Registrar Co-op. Societies, ...Respondents
Mumbai Division And Ors

Mr. Rupesh Mandhare for the Applicant.
Ms. Tanu Bhatia, AGP for Respondent Nos. 1 and 2.
Mr. Anuj Tiwari i/b Mr. V.V. Salunke for Respondent No.3.

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CORAM : M.M. SATHAYE, J.
DATE : 25th SEPTEMBER, 2025

P.C. :

1. Heard learned Counsel for the parties.
2. Learned Counsel for the Applicant submits that pursuant to order of this Court dated 15.02.2019, substantial amendment to the petition has been allowed and it is already carried out. He submits that the reason for the amendment was the execution of order dated 27.12.2018 which was passed without issuing notice to the Petitioner/society. He submitted that although substantial amendment was carried out by Applicant, prayer challenging the said order dated 27.12.2018 remained to be added. He submits that even today, the copy of said order is not available with the Petitioner Society, despite the Authority as well as Respondent No.3 (member) being called upon under communication dated 16.07.2024 to provide copy. He further submits that this difficulty was expressed on 18.06.2024 and request

was made for filing present application, which is accordingly filed.

3. No reply is filed to the application.

4. Perused the amendment in the application and orders dated 15.02.2019 and 18.06.2024. Also perused the amendment already carried out.

5. In view of the averments and the undisputed fact that the copy of order dated 27.12.2018 is not available with the Petitioner, sufficient cause is made out.

6. The Interim Application is accordingly allowed. The Petitioner Society is permitted to amend the petition as per schedule to add prayer (a-II).

7. Amendment to be carried out within a period of 2 weeks from today. Amended copy be served upon other side.

(M.M. SATHAYE, J.)