



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 16062 OF 2024
IN
FIRST APPEAL NO. 386 OF 2021

Gayatri Palace CHS Ltd.

...Applicants.

In the matter between :

Toshee Builders.

...Appellant.

Versus

Sukharibai Sushya Bhandari

Since deceased and Others.

...Respondents.

Ms. Sakshi Agarwal i/b Bipin J. Joshi for the Appellant.

Mr. Avinash Joshi for the Applicants.

Coram : Sharmila U. Deshmukh, J.

Date : March 20, 2025.

P. C. :

1. Interim Application has been preferred for a direction to the Appellant to delete Respondent Nos.4 to 15 and 17 to 34 and substitute them with the Gayatri Palace CHS Ltd as the flat purchasers have organised themselves into a Co-operative Housing Society.
2. Learned Counsel appearing for the Applicant submits that the Appellant is the original Plaintiff who had filed the suit seeking declaration that the agreement for sale dated 26th February 1981 is

valid and subsisting. He would further submit that in these proceedings, individual flat purchasers were made party to the proceedings as against which First Appeal has been preferred. He would submit that on 10th November 2022, the District Deputy Registrar granted certificate of deemed conveyance to the Society and therefore Society is the owner of property which is subject matter of dispute. He tenders minutes of Special General Meeting held on 23rd February 2025 resolving that the Society be added as party to the First Appeal in place of Respondent Nos.4 to 15 and 17 to 34. The resolution is taken on record.

3. Learned Counsel appearing for the Respondents would oppose the said Application on the ground that the resolution has not been signed.

4. Perusal of the said resolution would indicate that the same has been signed by Chairman and Secretary of the Society and records the minutes of Special General Meeting held on 23rd February 2025. It is not disputed that deemed conveyance has been granted in favour of the Society and presently the Society is owner of the subject matter. The individual flat purchasers have formed the co-operative housing Society and are now represented through the co-operative housing Society being members thereof.

5. In light of the above, the Application deserves to be allowed.

Application is allowed in terms of prayer Clause (a) which reads thus :

“(a) that this Hon’ble Court be pleased to direct the Appellant to delete the Respondent Nos. 4 to 15 and 17 to 34 and substitute the same with Applicants as party Respondent i.e., Gayatri Palace Co-operative Housing Society in First Appeal No. 386 of 2021 and any other proceedings filed by the Appellant.”

6. The Appellant is directed to carry out the necessary amendments within three weeks.

[Sharmila U. Deshmukh, J.]