

VRJ

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

WRIT PETITION NO.963 OF 2005

Pune Mumbai Rasta Sahakari
Gruharachana Sanstha Mydt. ... Petitioner
V/s.
Shraddha Sudhakar Auti & Ors. ... Respondent

**WITH
INTERIM APPLICATION NO.4084 OF 2025**

Shraddha Sudhakar Auti ... Applicant
V/s.
Pune Mumbai Rasta Sahakari
Gruharachana Sanstha Mydt. ... Respondent

Mr. P. G. Karande for the petitioner.
Mr. Manoj Nayak for respondent No.1.
Ms. Kavita N. Solunke, AGP for the State-respondent
Nos.2 to 4.

CORAM : AMIT BORKAR, J.

DATED : MARCH 28, 2025

P.C.:

1. In the peculiar facts and circumstances of the present case, this Court is of the considered view that the writ petition can be conveniently disposed of by issuing a direction to respondent No.1 to produce and furnish before the concerned Co-operative Housing Society the documents of title, more particularly, the registered Will Deed upon which respondent No.1 seeks to base his claim.

Upon such production, the society shall examine the said registered Will Deed and, if it is found that the said Will pertains to the plot in question forming part of the society's premises and there exists no inter se dispute with respect to the said Will Deed, the society shall thereafter take an appropriate decision in accordance with the provisions of Section 23 of the Maharashtra Co-operative Societies Act, 1960, bearing in mind the mandate of law and the object of expeditious disposal of such claims.

2. It is further directed that respondent No.1 shall file a formal application seeking membership of the society in the manner prescribed under Rules 19 and 20 of the Maharashtra Co-operative Societies Rules, 1961. In the event such application is duly submitted before the managing committee of the society and there is no contest or opposition to the said claim by any member or third party, it shall be incumbent upon the society to consider and decide such application strictly in accordance with law and dispose of the same within a period of six weeks from the date of its filing, without fail.

3. It is clarified that any observations, findings or directions recorded in the course of adjudication of the present writ petition shall not be construed as conclusive or binding in any other independent proceedings, and shall not be treated as enforceable in law.

4. In view of the above directions, the writ petition stands disposed of. There shall be no order as to costs.

5. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)