



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

WRIT PETITION NO.7950 OF 2024

Venus Co-operative Housing Society Ltd.
now known as
The New Venus D-45 C.H.S. Ltd.Petitioner
V/S
Minni Goel & Anr.Respondents

**WITH
INTERIM APPLICATION (STAMP) NO.16411 OF 2026
IN
WRIT PETITION NO.7950 OF 2024**

The New Venus D-45 C.H.S. Ltd.Applicant
IN THE MATTER BETWEEN
Venus Co-operative Housing Society Ltd.
now known as
The New Venus D-45 C.H.S. Ltd.Petitioner
V/S
Minni Goel & Anr.Respondents

Mr. Ameya S. Mahajan *for the Petitioner/Applicant.*
Mr. Ajay Yadav *for Respondents.*

CORAM : SANDEEP V. MARNE, J.
DATE : 15 JUNE 2026.

P.C.:

1. The Interim Application is filed for amending the Petition for the purpose of replacement of the Petitioner by The New Venus-D-45 C.H.S. Ltd. The learned counsel appearing for the Petitioner/Applicant submits that the original Venus Co-operative Housing Society Ltd. has been

bifurcated and separate Society is formed in respect of D Wing Building. It is submitted that the flat of Respondent No.1 is in D Wing Building for which The New Venus D-45 C.H.S.L. is formed. It is submitted that the impugned orders will have to be now implemented by The New Venus D-45 C.H.S.L. if the same are upheld by this Court. The learned counsel appearing for the original Petitioner-Society submits that he has instructions to appear on behalf of the replaced Society as well. In that view of the matter, the Interim Application is made absolute in terms of prayer clause (a). Necessary amendment to be carried out forthwith. The Interim Application is accordingly **disposed of**.

2. The Petition challenges order dated 13 September 2023 passed by the Co-operative Court on Application at Exhibit-5 directing the Petitioner-Society to carry out repairs as recommended by the Structural Engineer/Consultant in Report dated 27 October 2017 to prevent leakage/seepage in flat of the Disputant from the flat of the Opponent/Respondent No.2. The order of the Co-operative Court is confirmed in Appeal by the Co-operative Appellate Court on 30 January 2024.

3. I have heard Mr. Mahajan, the learned counsel appearing for the Petitioner-Society and Mr. Yadav, the learned counsel appearing for the Respondents. I have considered the submissions canvassed by them. I have gone through the findings recorded by the Co-operative Court and by the Appellate Court in the respective orders. I have perused the records of the case filed alongwith the Petition.

4. The Co-operative Court and the Appellate Court have recorded concurrent *prima facie* findings about Society's liability to carry out structural repairs as per Report dated 27 October 2017. It is the Petitioner-Society's contention that most of the repairs will have to be carried out in the flat of Respondent No.2. However, Respondent No.2 is not aggrieved by the orders passed by the Co-operative Court and the Appellate Court. The direction is against Petitioner-Society to carry out the necessary structural repairs as per order dated 13 September 2023. The Appellate Court has rightly held that mere resolution in the Annual General Meeting (**AGM**) dated 12 June 2022 cannot have the effect of overwriting the provisions of bye-laws No.159. I therefore do not find any valid reason to interfere in the impugned orders. The Petitioner-Society cannot risk the life of Respondent No.1 and her family members by indulging into litigation. In the event it is ultimately found that the Petitioner-Society is not responsible for carrying out the repairs, necessary claim in that regard can always be raised by the Petitioner-Society before the Co-operative Court. As of now, the necessary repairs must be carried out by the Petitioner-Society.

5. Considering the above position, I am not inclined to interfere in the impugned orders passed by the Co-operative Court and by the Appellate Court.

6. Writ Petition being devoid of merits is accordingly **dismissed**. There shall be no order as to costs.

(SANDEEP V. MARNE, J.)