

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9333 OF 2013

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Khar Meenakshi Cooperative
Housing Society Limited ... Petitioner
V/s.
Shamrao Vinayak Rane & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.15480 OF 2024
IN
WRIT PETITION NO.9333 OF 2013

Khar Meenakshi Cooperative
Housing Society Limited ... Applicant
In the matter between:
Khar Meenakshi Cooperative
Housing Society Limited ... Petitioner
V/s.
Shamrao Vinayak Rane & Ors. ... Respondents

Mr. R. M. Haridas, for the Petitioner/Applicant.

Mr. Shailendra Kanetkar a/w Manvendra Kane,
Ms. Rashmi Oswal i/b W. S. Kane & Co, for Respondent
No.1(c).

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 18, 2026

P.C.:

1. The petitioner is challenging the order passed by the Competent Authority rejecting his application for deemed conveyance. The Developer had raised an objection that the

petitioner had earlier filed Civil Suit No. 100063 of 2004, which came to be dismissed for non-prosecution on 28 August 2015. The relief sought in the said suit was a mandatory injunction for enforcement of the statutory right under the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 in respect of the same plot.

2. Since the substantive suit filed by the Petitioner has been dismissed, this Court is not inclined to entertain the present Writ Petition. However, it shall be open to the Petitioner to apply for restoration of the said suit in accordance with law. Subject to the aforesaid liberty, the Writ Petition stands dismissed.

3. All contentions of both the parties are kept open.

4. In view of the dismissal of the Writ Petition, the Interim Application does not survive, and the same stands disposed of accordingly.

(AMIT BORKAR, J.)