

Shabnoor

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

**REVIEW PETITION NO.7 OF 2026
IN
WRIT PETITION NO.11691 OF 2025**

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AYUB
PATHAN

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The Chairman Aishwarya
Residency Building A & B Sahakari
Gruhrachna Sanstha Naryadit ... Petitioner
V/s.
Rajan Dattatray Potnis & Ors. ... Respondents

Ms. Ankita D. Katakdhond i/b Mr. Nitin S. Markute, for
the Petitioner.

Ms. M. P. Thakur, AGP, for the State – Respondent Nos.8
& 9.

Mr. Narayan G. Rokade, a/w Ramchandra Wagh,
Siddharth Ghodke, A. J. Shaikh, M. Kakade, for
Respondent No.1 in RPW & Petitioner in WP

CORAM : AMIT BORKAR, J.

DATED : JANUARY 16, 2026

P.C.:

1. The housing society has filed this review petition. The society contends that it did not get a hearing because its advocate was absent on the date of hearing and pronouncement of the judgment. The society further contends that the original petitioners purchased the plot only after the order of deemed conveyance. It contends a substantive civil suit is already pending. That suit challenges the sanctioned plan and also questions the

legal status of the petitioners as purchasers. The society also contends that it faces shortage of parking space. It says induction of new purchasers will worsen the situation.

2. These objections are based on facts placed on record. There is no material to show that the authority passed the earlier judgment without considering these objections. The record shows that the authority proceeded on the basis of undisputed documents and notices already served.

3. The case arises from proceedings under Section 23(2) of the Maharashtra Cooperative Societies Act, 1960. The authority under this provision has a limited role. It examines whether the applicants satisfy the basic conditions for membership. It also checks whether the premises in question qualify as a flat within Section 154B-13 of the Act. The authority is not required to adjudicate civil disputes regarding title, validity of construction, or interpretation of sanctioned plans.

4. The scope of the proceeding is narrow. Record shows that notices were issued present petitioner and it is not in dispute that petitioner was duly served.

5. There is no dispute that the original petitioners meet the eligibility conditions under the Act. The dispute regarding the sanctioned plan and the legal effect of the purchase transaction is already pending in a civil suit. The judgment under review records this fact. It also notes in paragraph 4 that grant of membership will depend on the final decision of the civil court. This condition protects the rights of the society. It also prevents prejudice to either

side. The record shows that the authority confined itself to a prima facie view based on Section 23(2).

6. No material shows any error in the reasoning. There is no error apparent on the face of the record. The review petition does not disclose any new evidence or legal ground.

7. The review petition is therefore dismissed.

(AMIT BORKAR, J.)