

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 33585 OF 2025

Kalamandir
Thr. Its partner Mrityunjay Nebhwani ...Petitioner

Versus

Crystal Co-operative Housing
Society Ltd. & Ors. ...Respondents

**WITH
WRIT PETITION NO. 4723 OF 2025**

Ajanta Suri
Thr. Its sole proprietor Ajanta Suri ...Petitioner

Versus

Crystal Co-operative Housing
Society Ltd. & Ors. ...Respondents

Mr. Haresh Jagtiani, Senior Advocate a/w Mr. Pushpvijay Kanoji,
Mr. Pranay Kamdar, Mr. Ritwik Kulkarni i/by Mr. Pushpvijay
Kanoji, Advocate for the Petitioners.

Mr. Drupad Patil a/w Mr. Ankur Kalal, Advocate for Respondent
No.1 in both Petitions.

Ms. Vaishali Ugale, Advocate for Respondent No.3/BMC in both
Petitions.

Mr. Prashant Kamble, AGP for Respondent Nos.4 & 5 in WP(L)/
33585/2025.

Mr. Vikrant Parshurami, AGP for Respondent Nos.4 & 5 in
WP/4723/2025.

**CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.**

DATE : 3rd FEBRUARY, 2026

P.C. :-

1. These matters were heard for quite for some time on 2nd February, 2026 and today as well. Since the parties have practically resolved their burning issues and one limb of the issue is sub-judice before the Cooperative Court, by consent of the parties, we are proceeding to issue certain directions on the basis of the statements made and dispose off both these Petitions.

2. There has been some dispute between these Petitioners and the Respondent/Society, that brewed for around three to four years. The grievance of the Petitioners is set out in their averments and certain photographs have been placed on record from Page No.23 to 30. The business of these two shops has virtually come to a standstill because of the rubble/debris in front of the shops. Be that as it may, we would not wish to enter into further details of the dispute, since the parties have taken a few steps forward and are within reach to have a golden handshake.

3. Mr. Jagtiani, the learned Senior Advocate appearing for the Petitioners, in his characteristic fairness, has used his good offices and has prevailed upon both the Petitioners to take a few

steps forward to resolve the issue and co-exist in a congenial atmosphere vis-a-vis the Society. Having recorded his statements, the learned Advocate for the Society, Mr. Patil, has also prevailed upon the Society to adopt a reconciliatory stand and sort out the issue with the shop owners, i.e., the Petitioners, in the larger interest of the Society.

4. In view of the above, considering the statements made by the Petitioners, we record as under :-

(a) The Petitioners, who own Shop Nos.2-B and S-3, agree to deposit the structural repair charges of Rs.5,88,780/- and Rs.7,13,485/-, as on 23rd April, 2023 (when the Society passed the resolution and quantified the said repair charges).

(b) These Petitioners agree to deposit these repair charges, lump sum without asking for installments, with the Respondent/Society within a period of 14 days.

(c) Though the Respondent/Society had resolved to recover 21% interest from defaulting Members, we have also taken into account that rubble was lying in front of the shops of these two Petitioners and that resulted in loss of business.

Moreover, both the Petitioners are now depositing the structural repair charges, lump sum, within 14 days with the Respondent/Society. In order to balance the equities without getting into further details, which would amount to a hair-splitting exercise, we are permitting the levy of **6% simple interest per annum** on the outstanding amounts from May-2023 until January-2026 on the structural repair charges, to be paid by these Petitioners to the Cooperative Society within a period of 30 days from today.

(d) We direct the Society to ensure that, within three days from the date of depositing of the structural repair charges, the rubble/debris lying in front of the Petitioners' shops would be cleared in order to render the foreground of the shops at par with the foreground of other Shop Nos.1 and 2A.

(e) Considering that the repairs are only external and involve those items, which are spelt out in the Minutes of the Meeting of the Society held on 23rd April, 2023 (3 Pages), which are taken on record and marked as **'X'** for identification (a copy having been handed over to the

Petitioners in the Court), we direct that the repairs as per the resolution, would be completed within a period of 90 days from today.

(f) Since we find that parties have shown a will and desire to amicably settle all the issues, we would appreciate if they endeavour to resolve even the issue which is before the Cooperative Court in order to enable the Society as well as the Petitioners to co-exist in peace.

5. With the above directions, both these **Writ Petitions are disposed off.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)