

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).10389/2022

(Arising out of impugned final judgment and order dated 18-01-2022 in SA No.786/1999 passed by the High Court Of Judicature At Bombay At Aurangabad)

KINI KO CO-OPERATIVE HOUSING SOCIETY

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR.

Respondent(s)

(IA No.205638/2022 - CONDONATION OF DELAY IN REILING/CURING THE DEFECTS, IA No.205639/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 205640/2022 - EXEMPTION FROM FILING O.T.)

Date : 20-01-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Vinay Navare, Sr. Adv.
Mr. Shirish K. Deshpande, AOR
Ms. Rucha Pravin Mandlik, Adv.
Mr. Mohit Gautam, Adv.

For Respondent(s) Mr. Sanjay Kumar Visen, AOR
Mr. Ajit Bhasme, Sr. Adv.
Mr. A Bhasme, Adv.
Mr. Mukesh Kumar Pandey, Adv.
Ms. Ritu Rastogi, Adv.
Ms. Himani Bhatnagar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay in reiling is condoned.

Learned senior counsel for the petitioner submits that as per his instructions, there had not been any Commissioner's report placed on the record of the Trial Court as observed by the High Court in Paragraph 22 of the order impugned. Learned senior counsel further submits that the consideration of the First Appellate Court

and the High Court cannot be said to be in conformity with what was deposed by the official witness DW1-Syed Manzooruddin s/o Syed Ahemuddin.

Issue notice, returnable in four weeks.

Mr. Sanjay Kumar Visen, AOR accepts notice for Respondent No.2.

Notice be issued to the unrepresented respondent.

Dasti service, in addition to ordinary process is permitted.

In the meanwhile and until further orders, the interim order as passed by the High Court and continued under the order impugned shall remain in operation.

(ARJUN BISHT)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)