

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 500 OF 2003**

Geeta Harshad Vasa and Ors. .. Petitioners
 Versus
 Jayaben Motilal Vasa and Ors. .. Respondents

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- Mr. N. N. Bhadrasete, Advocate for Petitioners
 - Mr. Shailesh Shah, Senior Advocate i/by Mr. S. M. Shettigar, Advocate for Respondent No.1(b)
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 02, 2023.

P.C.:

1. Heard Mr. Bhadrasete, learned Advocate for Petitioners and Mr. Shah, learned Senior Advocate for Respondent No.1(b).
2. The dispute in the present case pertains to entitlement and share in one particular flat belonging to the original deceased (disputant) who is the son of Respondent No.1. Admittedly, he expired intestate. In the interregnum, Respondent No.1 has also filed Civil Suit seeking entitlement and share in the said property as a Class-I heir of the deceased.
3. According to the learned Advocates the society has kept flat No.3 in a locked condition and it has remained in that condition since long. Mr. Shah informs the Court that it is understood by his clients that the society wants the parties to pay arrears of maintenance in respect of

the subject flat. He would submit that in so far as the warring parties before the Court are concerned, they have made inroads to reconcile the matter and there is a strong possibility that they may amicably settle the matter.

4. In that view of the matter, both the learned Advocates requested the Court to issue notice to the society who is Respondent No.2.

5. In view of the above, issue notice to Respondents. Humdast permitted. In addition to Court's notice Petitioners are directed to serve Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date. After receiving notice, Respondents to file affidavit-in-reply, if any, on or before the next date.

6. Parties may serve copy of this order to the society.

7. Respondent No.2 - Society is directed to remain present before the Court on the next date.

8. Stand over to **16th February, 2023.**

[MILIND N. JADHAV, J.]