

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

WRIT PETITION NO.6572 OF 2012

Shri.Ramdas P.Mainkar & anr. ...Petitioners
Vs.
Amardeep Co-op.Housing Society Ltd. ...Respondent

Mr.Uday P.Warunjikar for petitioners.

**CORAM : N.M. JAMDAR J.
DATE : 27 August, 2012.**

P.C.:

Heard learned counsel for petitioners.

2. By this petition, the petitioners challenge the order passed by Maharashtra State Co-operative Appellate Court whereby the Appellate Court has confirmed the orders passed by the court below which directed eviction of the petitioners from the premises in their occupation in the building of the Respondent Society.

3. Learned counsel for the petitioners submits that the main reason on which eviction being sought is that the petitioners did not have any valid title to the premises. Learned counsel points out that during the pendency of the appeal, the petitioners had placed on record a sale deed which was subsequently executed in favour of the petitioners by the legal heirs of the member of the society in respect of the suit flat. According to the learned counsel this document though referred to, was not considered in its proper perspective by the Appellate Court while rejecting the appeal. Learned

counsel asserts that even though the order was passed on 31 March, 2011 and there is no interim protection till today, the petitioners have continued to be in possession of the premises.

4. Issue notice to the Respondents, returnable after four weeks.

5. In the meanwhile there shall be ad-interim order in terms of prayer clause (c) of the writ petition.

(N.M.JAMDAR, J.)