

**BEFORE MAHARASHTRA REAL ESTATE  
APPELLATE TRIBUNAL MUMBAI**

**3] M.A. No. 748/22 (Stay)**

**with**

**M.A. No.1069/22 (Injunction)**

**in**

**AT006000000113948/22**

Eversmile Co-op. Hsg. Soc. Ltd.

...Appellant

V/s.

Manoj Rijhwani & 18 Ors.

...Respondents

**Along with**

**4] M.A. No. 1070/22 (Injunction)**

**with**

**M.A. No. 197/23 (Amendment)**

**in**

**AT006000000113951/22**

Westin Developers Pvt Ltd

...Appellant

V/s.

Manoj Rijhwani & Ors.

...Respondents

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*Adv. Rohit Shetty for Appellant in sr. no. 13.*

*Adv. Abir Patel for Respondent nos. 1 to 14 in both matters.*

*Adv. Nilesh Gala for Respondents no. 18 in sr. no. 13 & for appellant in sr. no. 4.*

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**CORAM : SHRI SHRIRAM. R. JAGTAP, MEMBER (J), &**

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 04<sup>th</sup> January, 2024**

**(THROUGH VIDEO CONFERENCE)**

- Record reveals that on 12<sup>th</sup> August 2022, the respondent nos. 15 and 16 were represented by Advocate. However, later on they did not appear. It further transpires that by the order dated 8<sup>th</sup> September 2023, notices were issued to respondent nos. 15 and 16 and it transpires from the postal endorsement appearing on envelope that despite intimation they did not collect the notice.

*Sgt*

Therefore, appeal is to proceed ex-parte against the respondent nos. 15 and 16.

2. So far as respondent no. 17 is concerned, Mr. Yogesh Handa has already filed reply to appeal on 6<sup>th</sup> October 2022.

**In appeal no. AT006000000113948/22**

3. Adv. Rohit Shetty submits that the contesting respondent nos. 1 to 14 have filed common written submissions with respect to both appeals (page no. 706-718).
4. He further submits that the appellant has filed written submissions which are at page no. 788.

**In appeal no. AT006000000113951/22.**

5. Record reveals that Roznama dated 2<sup>nd</sup> September 2022 shows that the respondent nos. 15, 16 and 18 have not filed reply and therefore appeal has been proceeded without reply of these respondents.
6. Adv. Nilesh Gala submits that the appellant has filed written submissions which are at page nos. 610-674.
7. Adv. Rohit Shetty submits that he is supporting the appellant and therefore, the written submissions filed by respondent no. 17 in its appeal be considered in the instant appeal.
8. Parties are ready to argue the matter.
9. Matters are kept back.

**Later on, 2 PM**

10. Same appearance.
11. Due to paucity of time matters are adjourned.
12. Earlier order if any, is continued till date.
13. Stand over to 9<sup>th</sup> February 2024 for final hearing. (F.O.B.)

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP)

Ajit