

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 1057 OF 2022 (Delay)
WITH
MISC. APPLICATION NO. 27 OF 2024 (Amendment)
IN
APPEAL NO. AT006000000134136 OF 2022**

M.K.Y Infrastructure ... Applicant

-VS-

Pankaj J. Mishra & Ors. ... Non-applicants

**MISC. APPLICATION NO. 726 OF 2023 (Delay)
IN
APPEAL NO. AT006000000194793 OF 2023**

Pankaj Janardan Mishra & Ors. ... Applicants

-VS-

M.K.Y Infrastructure & Ors. ... Non-applicants

Makarand Raut, Advocate for Appellant.

*Mr. Vivek Machha, Advocate for Respondent Nos.2 to 4, 6 to 14, 16 to 19,
22 to 30, 33 to 38, 40 to 44.*

None for remaining Respondents.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 01st APRIL, 2024

(THROUGH VIDEO CONFERENCE)

Heard learned counsel for parties.

2] Advocate Mr. Makarand Raut appearing for Applicant

Promoter in appeal no.134136 submits that Applicant seeks amendment



by substituting the names of Respondent/Non-applicant Nos.20 and 21 namely Mr. Bhagwanji Prasad and Mrs. Renu Anil Singh by substituting their names with "20(a) Mr. Premkumar Prakash Katkam" and "21(a) Mr. Aditya Vinod Dubey", who are the new flat purchasers from the erstwhile Respondent Nos. 20 and 21.

3] Accordingly, in the interest of justice, Applicant is seeking to make the amendment by filing Misc. Application No.27/2024.

4] Advocate Mr. Vivek Machha appearing for Non-applicants objected the amendment by substituting the names of new flat purchasers on the ground that these Respondents were not the party in the compliant proceeding. However, he confirms that Respondent Nos.20 and 21 the original Non-applicants/Respondents were the party in the complaint proceeding and also in the impugned order.

5] Perused.

6] Perusal of record reveals that captioned Misc. Application is seeking to substitute Non-applicants, who were also a party to the proceeding and also in the impugned order has clearly revealed in the original complaint filed as on page 56 and 57.

7] In view of above and after hearing the parties, in the interest of justice, we are of the view that there is no impediment if the captioned Misc. Application is allowed.

8] Accordingly, Applicant is permitted to substitute the names of



Non-applicant Nos.20 and 21 by "20(a) Mr. Premkumar Prakash Katkam"
and "21(a) Mr. Aditya Vinod Dubey".

9] Applicant to carry out the necessary amendments and serve
amended copy of the Appeal to the other side within two weeks.

10] Stand over to 21st June 2024 for replies and hearing of Misc.
Application Nos. 1057/2022 and 726/2023.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)