

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

17] AT006000000144311/23

Mr. Rahul Desai & Anr.

...Appellants

V/s.

Sumer Radius Realty Pvt. Ltd.

...Respondent

Adv. Karishma More for Appellants.

Adv. Sunil Kewalramani for Respondent no. 2.

Non for Respondent no. 1.

**CORAM : SHRI SHRIRAM. R. JAGTAP, MEMBER (J), &
DR. K. SHIVAJI, MEMBER (A)**

DATE : 04th January, 2024


(THROUGH VIDEO CONFERENCE)

1. Adv. Karishma More submits that the appellants have given intimation of today's date of hearing in writing to respondent no. 1 and file affidavit of service.
2. A perusal of affidavit of service reveals that the appellants have given intimation of today's date of hearing in writing to respondent no. 1 by registered post and the tracking report clearly indicates service of intimation on the respondent no. 1.
3. Despite this, respondent no. 1 has failed to appear in the matter.
4. Apart from this, postal acknowledgment receipt also supports the affidavit filed by appellants with respect to service of notice on the respondent no. 1.
5. In spite of this the respondent no. 1 has failed to appear in the matter. Therefore, appeal is to proceed ex-parte against the respondent no. 1.
6. Adv. Sunil Kewalramani seeks time to file reply.

S. Jagtap

7. Granted.

8. Stand over to 5th March 2024 for filing reply by respondent no. 2.


(DR. K. SHIVAJI)

Ajit


(SHRIRAM. R. JAGTAP)