

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**M.A. No. 570/23 (Delay)  
IN  
APPEAL NO. AT00600000174638/23**

Kalpak Desale

... Applicant

-VS-

Paradigm Real Estate LLP.

... Non-applicant

*Ms. Namrata J. Solanki, Advocate for Applicant.*

*None for Non-applicant.*

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

**DATE : 31<sup>st</sup> JANUARY, 2024**

**(THROUGH VIDEO CONFERENCE)**

**IN M.A. No. 570/23:**

Adv. Namrata J. Solanki submits that reply on Misc. Application no. 570/23 has not been received.

2. She further submits that the delay is of only 6 days and the delay has happened because the arguing counsel was away in connection with the demise of one of his relatives and the Applicant took time to study and decide. Moreover, the delay is not deliberate and not intentional.

3. Perused.

4. Applicant has not gained any undue benefits by the delay of 6 days in filing the appeal.

5. Moreover, Applicant is eligible for benefits under the proviso to the



Section 12 of the Limitation Act. In view of the peculiar facts and circumstances of the case, we are of the considered view that Misc. Application No. 570/23 deserves to be allowed.

6. Accordingly, delay is condoned.
7. Misc. Application No. 570/23 is allowed and disposed of as above.
8. No order as to costs.

**IN APPEAL NO. AT00600000174638/23:**

9. Stand over to 16<sup>th</sup> Apr. 2024 for reply of Respondent.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP)

MS/-