

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 691 OF 2023 (Delay)
IN
APPEAL NO. AT006000000174688 OF 2023**

Falguni Ram Kotak & Anr.

... Applicants

-VS-

Macrotech Developer Ltd.

... Non-applicant

Mr. Parth Turakia, Advocate for Applicants.

Ms. Smita Sharma, Advocate for Non-applicant.

CORAM : SHRI S. S. SHINDE J., CHAIRPERSON &

DR. K. SHIVAJI, MEMBER (A)

DATE : 10th APRIL, 2024

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

MISC. APPLICATION NO.691 OF 2023

By this Misc. Application, applicants are seeking to condone the delay of 14 days in filing of the captioned appeal beyond the prescribed limitation period by submitting that the delay happened on account of the communication gap between the client and the erstwhile advocate.

2] He submits that client came to know about the passing of the impugned order dated 07.07.2023 only on 20.09.2023. Thereafter, immediately, the applicant filed the application for certified copy of the impugned order on 20.09.2023 and received the copy on 25.09.2023. Thereafter, appeal has been filed on 25.09.2023 on the same day.

3] Advocate Mr. Parth Turakia for applicant upon instructions submits that the Applicants have not gained any undue advantage due to



delay in filing of the appeal.

4] Accordingly, applicant urged that the delay of 14 days in filing of the captioned appeal be condoned.

5] Advocate Ms. Smita Sharma appearing for Non-applicant vehemently opposed it by submitting that number of days of delay are immaterial and every day of delay needs to be explained with sufficient cause and applicant has failed to explain these delay with sufficient cause.

6] Perused.

7] Perusal of record reveals that there is delay of 20 days in filing of the captioned appeal and Applicants have not gained any undue advantage. Sufficient cause has been disclosed in the application.

8] In view of fact that Applicants have not gained any undue advantage due to delay of 20 days in filing of the appeal and the delay has happened on account of the communication gap between the client and the erstwhile advocate, we are inclined to allow Misc. Application No.691/2023. Accordingly, we proceed to pass the order as follows: -

ORDER

- (a) Misc. Application No.691 of 2023 is allowed.
- (b) Delay is condoned.
- (c) Misc. Application No.691/2023 stands disposed of.
- (d) No costs.

IN APPEAL NO. AT006000000174688

Advocate Ms. Smita Sharma appearing for Respondent seeks time to file reply within four weeks.

2] Stand over to 05th August 2024 for reply and completion of pleadings.


(DR. K. SHIVAJI)


(S. S. SHINDE, J.)