

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**MISC. APPLICATION NO. 739 OF 2023** (Possession)  
**IN**  
**APPEAL NO. AT006000000194802 OF 2023**

Jeenesh Mulchand Gala & Ors.

... Appellants

-VS-

Kshitija Infrastructure P. Ltd.

... Respondent

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*Mr. Shakeeb Shaikh, Advocate for Appellants.*

*Mr. Amrut Joshi, Advocate for Respondent.*

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

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

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference and confirms that reply has been filed and appellant has also filed and served rejoinder.

2] Learned counsel appearing for parties confirms that pleadings are complete.

3] Learned counsel for Appellants upon instructions submits that one of the purchasers of the flat was the mother of appellant nos.1 and 3. However, the mother has expired and accordingly the legal heir certificate has been filed and served.



4] Learned counsel for Respondent submits that the provisions of Section 2(1) (3) of the Indian Succession Act has not been complied with. Moreover, the Appellant is liable to pay certain outstanding amount before seeking possessions which the appellant has not completed so far.

5] Learned counsel for Appellants vehemently opposed and submitted that rejoinder has already been filed.

6] Pleadings in reply of appeal and also Misc. Application 739/2023 have already been completed.

7] Parties to file and exchange/circulate written submissions well before the next date.

8] Stand over to 14<sup>th</sup> June 2024 for written submission.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP, J.)