

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**M.A. No. 711/23 (Arrest Warrant)
WITH
M.A. No. 712/23 (Withdrawal of Amt.)
WITH
Ex. No. 19/21
IN
APPEAL NO. AT006000000031769/19**

Miss Smita B. Kaskar

... Applicant

-VS-

Nirmal Lifestyle Ltd.

... Non-applicant

Mr. Nitin Kaskar, Advocate for Applicant.

Mr. Tushar Kadam, Advocate for Non-applicant.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 20th DECEMBER, 2023

(THROUGH VIDEO CONFERENCE)

By filing purshis, Applicants are seeking to withdraw the amount of Rs. 30,85,958/- which has been deposited by the Non-applicant on 25th Sept. 2023 towards the payment to be made to the Applicants. The judgment decree has been passed in favor of Applicants by this Tribunal.

2. Adv. Tushar Kadam vehemently opposed it by submitting that this application has not been served.

3. Perused.

4. Perused the records, the second appeal filed by the Non-applicant before the Hon'ble Bombay High Court has been dismissed as on 15th Dec. 2023 and the matter was also heard on 15th Dec. 2023.

5. The application is seen filed more than 15 days back on 2nd Dec. 2023.



6. As per the judgment decree, Non-applicant is expected to comply with the order and pay the delay interest till the possession is delivered.
7. Perusal of record clearly reveals that the contentions of the Non-applicant have been rejected and even the recovery warrant has also been issued.
8. In view of above and upon perusal of records, we are of the considered view that there is no impediment in allowing the amount of Rs.30,85,958/- which has been deposited by Non-applicant, to be withdrawn by Applicant as a part of the compliance of the judgment decree.
9. Accordingly, the Registry is directed to allow Applicants to withdraw this amount along with accrued interest, if any as and when the request is made.
10. Purshis are allowed on the above terms and the Misc. Application No. 712/23 also stands disposed of as above.
11. Purshis stand disposed of as above.
12. No costs.
13. Stand over to 11th Jan. 2024 for compliance and for further consideration.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)

MS/-