

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

**M.A. No. 728/23 (Prod. of Docs.)
In
Appeal No. AT005000000052200/20**

M/s. S.M. Infrastructures ... Appellant

V/s.

Fakhrealam Noor Mohd. Shaikh. & Anr. ... Respondents

Adv. Ms. Sonam Singh for Appellant

Adv. Ms. Pragya for Respondents

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

DATE : 4th April, 2024

(THROUGH VIDEO CONFERENCE)

Learned Advocate Ms. Pragya submits that pursuant to the liberty granted by this Tribunal, the Respondents have filed Application bearing No. 728/23 for production of documents which are at page Nos. 360 to 447. These documents are relevant and will help the Tribunal in determining the controversy between the parties.

2] Per contra learned Advocate Ms. Sonam Singh submits that these documents are irrelevant and therefore the admissibility of these documents cannot be tested at this stage.

3] A perusal of affidavit of broker reveals that documents, which are at page Nos. 362 to 391, are annexed to the affidavit of broker. However, there is no reference of these documents in the affidavit of

S Jagtap

broker Mr. Jaideep Dube.

4] Under the circumstances, we are of the view that these documents cannot be taken on record. Therefore, so far as production of documents at page Nos. 362 to 391 cannot be allowed and the Application to that extent is rejected.

5] The Respondents have also produced the copy of Registered Sale Deed on record which is at page Nos. 392 to 447. So far as this document is concerned, we are of the view that this document can be allowed to be produced on record. The admissibility and relevancy of this document can be tested at the time of final hearing. Therefore, Misc. Application No. 728/23 is partly allowed. Production of copy sale deed is allowed.

6] Record reveals that parties have already filed written submissions.

7] Stand over to 9th July, 2024 for final hearing.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)