

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**Ex. NO. 27 OF 2022
WITH
MISC. APPLICATION NO. 76 OF 2023
IN
APPEAL NO. AT006000000052692**

Abhijit Chandrakant Borawake

... Applicant

-VS-

Karm Infrastructure Pvt. Ltd.

... Non-applicant

**Ex. NO. 28 OF 2022
IN
APPEAL NO. AT006000000052789**

Prasad Prabhakar Jaywant

... Applicant

-VS-

Karm Infrastructure Pvt. Ltd.

... Non-applicant

*Ms. Ritika Iyer, Advocate for Applicants.
None for Non-applicant.*

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 24th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

Ms. Ritika Iyer i/b. Adv. Mr. Anil D' souza, learned counsel for Applicants joined the conference.

2] None for Non-applicant.

3] Learned counsel submits that the status of freezing of bank



account as ordered on last date is not known.

- 4] Registry to report the compliance of the order dated 27.07.2023.
- 5] Learned counsel for Applicants further submit, that exact address of Non-applicant has been filed on 30.06.2023, which is accompanied by affidavit. Accordingly, seeks that the office of Non-applicant be attached for recovery of amount mentioned in the judgment decree.
- 6] Perused the additional affidavit filed by Applicants.
- 7] In view of non-compliance of judgment dated 23.02.2022, wherein non-applicant was directed to refund the entire amount together with interest, we are of the view that further coercive action is required to satisfy the decree.
- 8] Accordingly, Registry to issue recovery warrant for attachment of immovable properties, of details furnished by Applicants in their affidavits on page nos.52 and 53 in Appeal No.52692 and page nos.54 and 55 in Appeal No.52789 respectively and to take further steps for auctioning of the properties mentioned in affidavits to satisfy the judgment decree through District Collector, Thane for properties located in Thane and Collector of Mumbai Sub-urban for properties in Bhandup West at Vikhroli following the standard procedure.
- 9] Registry to send compliance report well before the next date.
- 10] Stand over to 09th October, 2023 for further consideration.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)