

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

**M. A. No. 613/23 (Amendment and I.R.)
With**

Ex. A. No. 36/22

In

APPEAL NO. AT006000000052813/2020

Subhendu Kumar Barik

... Applicant

V/s.

Aanya Residences

... Non-applicant

Adv. Mr. Zoheb Khatri for Applicant

Mr. Rohit Chugani, one of the partners of Non-applicant

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 5th February, 2024

(THROUGH VIDEO CONFERENCE)

Mr. Rohit Chugani submits that Mrs. Rita Singh Patel is his wife, they have received show cause Notices of this Tribunal. Pursuant to the show cause Notice, Mr. Rohit Chugani seeks 60 days' time to deposit the amount.

2] We have already observed that despite having sufficient means the judgment debtors/ Non-applicants have failed to comply the decree passed by this Tribunal. Till date, the Judgment debtors/ Non-applicants have not deposited single rupee in the matter towards satisfaction of decree. Therefore, there is no impediment in issuing arrest warrant against both the Non-applicants/ Respondents.



3] Despite having received show cause Notices, the judgment debtors have failed to tender plausible explanation for not depositing the decretal amount in the Tribunal. Therefore, the Registry is directed to issue arrest warrants against both the judgment debtors.

4] The decree holder is directed to deposit subsistence allowance. After depositing the subsistence allowance by decree holder, the Registry is directed to issue arrest warrants against both the Respondents/ Judgment debtor requesting Civil Judge Senior Division, Kalyan to send both the judgment debtors in civil prison for a period of three months.

5] Stand over to 15th April, 2024 for further consideration.


(DR. K. SHIVAJI)

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(SHRIRAM. R. JAGTAP)