

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**MISC. APPLICATION NO. 644 OF 2023  
(Setting aside Ex-parte Order)**

**IN**

**APPEAL NO. AT005000000053290 OF 2021**

Ritwija Mukund Joshi & Anr.

... Appellants

-vs-

Mega Developers & Ors.

... Respondents

**MISC. APPLICATION NO. 645 OF 2023  
(Setting aside Ex-parte Order)**

**IN**

**APPEAL NO. AT005000000053291 OF 2021**

Tejas Mukund Joshi & Anr.

... Appellants

-vs-

Mega Developers & Ors.

... Respondents

*Mr. Rahul Kankariya, Advocate for Non-applicants/ Appellants.  
Ms. Kavita Alkunte for Applicants/ Respondents.*

**CORAM : SHRI S. S. SHINDE J., CHAIRPERSON &**

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 10<sup>th</sup> APRIL, 2024**

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

**MISC. APPLICATION NOS. 644/2023 AND 645/2023**

By these two Misc. Applications, Applicants in the captioned matters are seeking to set aside *ex-parte* order against Respondents passed by this Tribunal on 15.07.2022, wherein both the appeals have proceeded *ex-parte* against Respondents.

2] Advocate Ms. Kavita Alkunte submits that



Applicants/Respondents came to know about the passing of the ex-parte order only on 21.09.2023 and the Misc. Applications have been filed on 17.10.2023 within time. Accordingly, these captioned two Misc. Applications be allowed.

3] Advocate Mr. Rahul Kankariya appearing for Non-applicants/Appellants has formal objection and submits that these applications have been filed with a delay of more than 795 days.

4] In the interest of justice and to avoid duplication of proceedings, both Misc. Application Nos.644/2023 and 645/2023 are allowed, subject to payment of cost of ₹ 2000/- (two thousand) for each of these two captioned appeals and to be paid directly to the account of Allottees/Non-applicants within 7 days.

5] Accordingly, Misc. Applications are allowed on the above terms and disposed of as such, however, subject to payment of said costs.

6] Payment of cost is condition precedent.


7] No costs.

**IN APPEAL NOS. AT005000000053290 AND**  
**AT005000000053291**

Learned counsel for parties joined the conference.

2] Stand over to 02<sup>nd</sup> August 2024 for compliance of cost, completion of pleadings and written submissions.

  
(DR. K. SHIVAJI)

  
(S. S. SHINDE, J.)