

**BEFORE THE MAHARASHTRA REAL ESTATE  
APPELLATE TRIBUNAL, MUMBAI**

**MISC. APPLICATION NO. 744 OF 2022 (delay)**

**MISC. APPLICATION NO. 233 OF 2023**

**(setting aside)**

**IN**

**APPEAL NO. AT006000000103935 OF 2022**

Amol Parshuram Sawant

.. Appellant

-VS-

M/s Nirmal Lifestyle Ltd.

.. Respondent

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*Adv. Ms. Pooja Gaikwad for Appellant.*

*Adv. Mr. Nimay Dave for Respondent No.2.*

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

**DATE : 28<sup>th</sup> July, 2023.**

**(THROUGH VIDEO CONFERENCING)**

Adv. Ms. Pooja Gaikwad submits that the appellant has filed reply to Misc. Application No. 233 of 2023.

2] We have heard learned Advocates for parties.

3] By Misc. Application No. 233 of 2023, the respondent no.2 has prayed to set aside exparte order dated 29.9.2022 passed against the respondent no.2.

4] The appellant has stiff opposition to the application. However, considering grounds mentioned in the application and it is well settled proposition of law that lis is to be decided on merits and in order to give

*S. Jagtap*

fair and reasonable opportunity to the respondent no.2, it is desirable to allow instant application. Accordingly, Misc. Application No. 233 of 2023 is allowed. Exparte order dated 29.9.2022 is set aside subject to costs of Rs.5,000/- to be paid to the appellant on or before the next date. The costs is condition precedent.

5] Adv. Mr. Dave seeks time to file reply to Misc. Application No. 744 of 2022.

6] Stand over to 23<sup>rd</sup> August 2023 for filing reply to Misc. Application No. 744 of 2022 by respondent no.2 and hearing on Misc. Application.

  
(DR. K. SHIVAJI)

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(SHRIRAM R. JAGTAP)