

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**MISC. APPLICATION NO. 161 OF 2023(Delay)**

**IN**

**APPEAL NO. AT006000000144302 OF 2023**

Dhansukh Patel & Ors.

... Applicants

-VS-

M/s. Rajguru Developers Pvt. Ltd.

...Non-applicant

*Adv. Deep Madnani for Applicants.*

*None for Non-applicant.*

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

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

**DATE : 26<sup>th</sup> JULY, 2023**

**(THROUGH VIDEO CONFERENCE)**

Adv. Deep Madnani submits that last date of hearing was intimated to Non-applicant in writing by letter dated 8<sup>th</sup> June, 2023. However inadvertently affidavit of service was not filed by Applicants. Today the Applicants have filed affidavit of service.

2] A perusal of affidavit of service would show that by letter dated 8<sup>th</sup> June, 2023 (page no. 77), the Applicants had given intimation of date 5<sup>th</sup> July, 2023 to other side in writing.

3] Despite service of such intimation the Non-applicant has failed to appear in the matter therefore Miscellaneous Application No. 161 of 2023 is to proceed ex-parte against the Non-applicants. Miscellaneous Application No. 161 of 2023 would show that there is delay of 2 days only. Since Non-applicant has failed to appear in the matter and the application

*S. Jagtap*

is supported by affidavit of Applicants, we are of the view that there is no impediment in allowing Miscellaneous Application No. 161 of 2023.

4] Accordingly Miscellaneous Application No. 161 of 2023 is allowed. Delay is condoned.

5] The Appellants are directed to serve the copy of appeal memo along with the allied documents to Respondent and file affidavit of service.

6] Stand over to 4<sup>th</sup> September, 2023 for appearance of Respondent.



**(DR. K. SHIVAJI)**



**(SHRIRAM. R. JAGTAP, J.)**