

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

**MISC. APPLICATION NO.1118 OF 2022
(Addl. Doct.)**

IN

APPEAL NO. AT00600000052950 OF 2021

Vinay Agrawal
-VS-

.. Appellant

Dr. Sejao V. Anantrao

.. Respondent

*Adv. Ms. Ritika Agarwal for Appellant.
None for Respondent.*

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

DATE : 26th July, 2023.

(THROUGH VIDEO CONFERENCING)

Adv. Ms. Ritika Agarwal submits that the appellant has repeatedly requested respondent to visit her office for inspection of the documents. However, there was no response on the part of respondent. Despite ample opportunity, the respondent has failed to take inspection of the documents and further failed to file reply to Misc. Application No.1118 of 2022.

With these contentions, Adv. Ms. Ritika Agarwal has prayed to allow Misc. Application No.1118 of 2022.

2] A perusal of record would show that on 18.4.2023 Advocate Mr. Mandar Soman had submitted that he will take inspection of the

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original documents and thereafter he will file reply to Misc. Application No.1118 of 2022. It is further seen that due to unavoidable circumstances, the learned Advocate could not visit the appellant's office and sought time till next date. Today also nobody is present on behalf of respondent. The progress of the matter is at standstill only because of respondent. The respondent has not filed reply to Misc. Application No.1118 of 2022.

3] On examination of Misc. Application No.1118 of 2022 for production of documents, it is seen that the appellant wants to produce on record a letter dated 16.12.2020, possession letter and possession-cum-undertaking letter. Considering the nature of documents, we are of the view that if production of documents is allowed, no prejudice will be caused to the respondent. Apart from this the admissibility and relevancy of the documents can be tested at the time of final hearing. The production of documents is always subjected to their relevancy with regard to matter in issue. Therefore, we are of the view that there is no impediment in allowing Misc. Application No.1118 of 2022. Accordingly, Misc. Application No.1118 of 2022 for production of documents is allowed.

4] Adv. Ms. Ritika Agarwal submits that liberty be granted to appellant to file citations. Liberty as sought is granted. Appellant to serve copies of the same to other side well in advance.

5] Stand over to 18th September 2023 for final hearing.


(Dr. K. SHIVAJI)

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(SHRIRAM R. JAGTAP)