

**BEFORE MAHARASHTRA REAL ESTATE  
APPELLATE TRIBUNAL MUMBAI**

**Ex. No. 26/2023**

**In**

**5) Appeal No. AT006000000053119/21 (D.)**

|                                 |                    |
|---------------------------------|--------------------|
| Anand K. Walavalkar             | ... Applicant      |
| V/s.                            |                    |
| M/s. Varsha Construction & Anr. | ... Non-applicants |

**Alongwith**

**Ex. No. 54/2023**

**In**

**6) Appeal No. AT006000000053280/21**

|                               |                   |
|-------------------------------|-------------------|
| Mrs. Savita Adhip Parab       | ... Applicant     |
| V/s.                          |                   |
| M/s. Varsha Construction Ltd. | ... Non-applicant |

*Adv. Mr. Anish Desai for Applicant in Sr. No. 5*

*Adv. Mr. Abhishek Jadhav for Applicant in Sr. No. 6*

*Adv. Mr. Shyam Singh for Non-applicants in both the Appeals.*

**CORAM : SHRI S. S. SHINDE J., CHAIRPERSON &  
DR. K. SHIVAJI, MEMBER (A)**

**DATE : 8<sup>th</sup> April, 2024**

(THROUGH VIDEO CONFERENCE)

Mr. Shyam Singh learned Counsel appearing for the Non-applicants submits that the details of the immovable properties and bank accounts of the Non-applicants has been filed and served to the other side.

2] Learned counsel appearing for Applicants submit that copies of these documents have not been received.

3] Perused the affidavit filed by Non-applicants.

4] Judgment decree is passed by this Tribunal on 8<sup>th</sup> February, 2023



and even after the passage of more than a year of time, not even a single penny has been paid so far, despite sufficient opportunities.

5] Perusal of the record reveals that the Non-applicant has not complied with the Judgment decree despite having sufficient means. Accordingly, we are of the considered view that appropriate action as permissible in law is required to be taken to satisfy the Judgment decree.

6] Accordingly, the Registrar is directed to issue recovery warrant for attachment and auction of the immovable properties of the Non-applicant as per the details on page No. 55 of the Application in Appeal No. AT006000000053119/21 and on page No. 37 of the Appeal No. AT006000000053280/21.

7] Registry is further directed to issue directions to Banks to attach Bank accounts of Non-applicant as furnished by the Non-applicant as per the details on page Nos. 56-57 of Appeal No. AT006000000053119/21 and Page Nos. 37-38 of Appeal No. AT006000000053280/21. Non-applicant is further directed to not to undertake any further transaction from these accounts from today and maintain the status quo of the credit balance in these accounts. Registry to follow up for the execution of the recovery warrants.

8] Stand over to 16<sup>th</sup> July, 2024 for further consideration.



**(DR. K. SHIVAJI)**



**(S. S. SHINDE, J.)**