

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**EX. NO. 34 OF 2022
IN
APPEAL NO. AT006000000052376 OF 2020**

Manisha Paresh Kothari

... Applicant

-VS-

Vital Developers Pvt. Ltd.

... Non-applicant

Mr. Ajit Shobhawat, Advocate for Applicant.

Mr. Makarand Raut, Advocate for Non-applicant.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 27th MARCH, 2024

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Learned counsel for Non-applicant seeks time to clear the entire dues.

3] Perused.

4] Judgment decree is of 2022 and the matter is still lingering due to the sheer fault of the Non-applicant who has been dragging its feet on one pretext or other and has not complied with the judgment decree despite having sufficient means. The settlement terms executed on 28.12.2021 and the consent order is dated 16.02.2022.



5] In view of above, we are constrained to say that there is no option but to take further coercive steps by issuing Section 64 notice for arrest of Non-applicant/s against the three Directors of M/s. Vital Developers Pvt. Ltd. viz., (1) Mr. Jatin K. Mehta, (2) Mr. Jayesh C. Mehta and (3) Mr. Karamshi K. Patel as described on page no.3 of the Execution Application and why they cannot be arrested and placed under the Civil Prison as per the prescribed procedure.

6] Accordingly, the Registry is directed to issue Section 64 notice against the above three Directors of M/s. Vital Developers Pvt. Ltd.

7] Stand over to 28th June 2024 for further consideration.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)