

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

Ex. No. 38/2021

In

1] Appeal No. AT006000000041896/19 (D.)

Shabbir Ahmed Mukaddam & Anr.

... Applicants

V/s.

Falak Developers

...Non-applicant

Adv. Mr. Amit Tungare for Applicants

Mr. Shabbir Mukadam, Appellant-in-person

Adv. Mr. Sufiyan Shaikh for Non-applicant

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

DATE : 8th May, 2024

(THROUGH VIDEO CONFERENCE)

By filing this precipe, applicant is seeking to take further coercive action and for direction to the Collector to take the possession of the subject flat No.904 in the Non-Applicant's said project.

2. Recovery warrant has already been issued on 18th July 2023 for attachment of these properties of the Non-Applicant.

3. Accordingly the Collector is directed to execute the recovery warrant already issued at the earliest and send compliance report.

4. Advocate Tungare learned counsel for the applicant along with applicant in person further submit that Rs.22,14,625.51 has been recovered and the Collector has sought guidance, whether this amount be deposited in the Tribunal or be given directly to the



applicant.

5. Accordingly the Collector is directed that this amount already collected towards satisfaction of the judgment decree be forwarded and deposited in the Tribunal at the earliest and send the compliance report.

6. At this stage applicant in person along with advocate Mr. Tungare submits that in view of the ensuing Vacation and to avoid further delay in receipt of the amount, registry may be directed that as and when the formal application is filed in the Tribunal, this amount be released to the applicant.

7. Registry is accordingly directed that on receipt of the amount of Rs.22,14,625.51 along with accrued interest if any, be allowed to be withdrawn by the applicant as and when formal application is received following the standard procedure.

8. Mr. Shaikh learned counsel appearing for the Non-Applicant upon instructions seeks time as last chance to deposit balance amount before 27th May 2024 in the Tribunal towards the satisfaction of the decree.

9. Liberty as prayed for by Non-Applicant is allowed as last chance failing which further coercive action as per law will be undertaken without further reference because the decree has been passed on 23rd July 2021, which is around 3 years back.

10. Accordingly precipe stands disposed of as above.

11. Matter is already listed further consideration on 28th July 2024.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)