

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**Ex. NO. 38 OF 2022**

**IN**

**APPEAL NO. AT006000000052177 OF 2020**

Sanjay Kumar R. Ghaghda

... Applicant

-VS-

Lokhandwala Kataria Const. Pvt. Ltd.

... Non-applicant

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*Ms. Swati Sawant, Advocate for Applicant.*

*Mr. Viraj Bansod h/f. Mr. Tushar Goradia , Advocate for Non-applicant.*

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

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

**DATE : 16<sup>th</sup> APRIL, 2024**

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference and confirms that there is no stay in the Second Appeal filed by Non-applicant before the Hon'ble Bombay High Court.

2] Judgment decree is dated 28.02.2022 and not even a penny has been paid to Applicant despite passage of such a long time.

3] Perusal of record reveals that Non-applicant has not complied with the judgment decree despite having sufficient means. Accordingly, we are of the view that there is no impediment to take further coercive



action as per the law.

4] Accordingly, Registry is directed to issue recovery warrant as per the details already filed by Applicant as on page nos.6 to 11 of the application.

5] Non-applicant is further directed to file and serve all the bank account details of Non-applicant well before the next date.

6] Stand over to 27<sup>th</sup> June 2024 for issuance of recovery warrant and further consideration.



**(DR. K. SHIVAJI)**



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