

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**Ex. No. 51/23**

**IN**

**APPEAL NO. AT006000000133980/22**

Kunal Kumbhat & Anr.

... Applicants

-VS-

Krishna Developers Pvt. Ltd.

... Non-applicant

*Mr. Nilesh Gala, Advocate for Applicants.*

*Ms. Pooja Gaikwad, Advocate for Non-applicant.*

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

**DATE : 20<sup>th</sup> DECEMBER, 2023**

**(THROUGH VIDEO CONFERENCE)**

Adv. Pooja Gaikwad submits that the matter has been taken up in the second appeal before the Hon'ble Bombay High Court and there is no stay in the second appeal.

2. She further submits upon instructions that settlement talks are going on.

3. Adv. Nilesh Gala upon instructions submits that no settlement talk is going on, there is no stay in the second appeal and submits to initiate coercive measures.

4. Perused.

5. The impugned judgment decree is passed by this Tribunal on 15<sup>th</sup> June 2023 and not even a single penny has been refunded so far despite

the judgment decree passed for the refund of the amount to Applicants.

6. Perusal of records reveals that the Non-applicant has not complied with the judgment decree despite having means deliberately. Hence, we are of the considered view that coercive actions are imperative to satisfy the judgment decree. Accordingly, Ld. Registrar to issue recovery warrant based on the details already filed in the execution application for the attachment and auction of the immovable properties mentioned as on page no. 325, and also for the attachments of the bank accounts of Non-applicant.

7. The Collector, Mumbai Sub-urban be directed to take coercive steps and the Registry to follow up and submit the report.

8. Stand over to 23<sup>rd</sup> Feb. 2024 for further consideration.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP)

MS/-