

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

10] C.P. No. 2/2022

in

Appeal No. RC-2/2021 (D. of)

Manju Chawla & Ors.

...Applicants

V/s.

Adinath CHS Ltd. & 50 Ors

...Non-applicants

Adv. Satish Dedhia for Applicants.

Adv. Janu Gulati a/w Adv. Pranav Khatkul for Non-applicant no. 1.

Adv. Kunal Atkar i/b Adv. Nisha Mehra for Non-applicant nos. 37.

Adv. Divakar for Non-applicant no. 38 (i.e. SBI)

Mr. Rushank Jain, party in person (i.e. Non-applicant no. 40)

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

DATE : 04th January, 2024

(THROUGH VIDEO CONFERENCE)

1. Record reveals that despite service of notices the non-applicant nos. 5, 18,19,22,23,34 and 39 have not appeared as a result thereof contempt petition has been proceeded ex-parte against these non-applicants.
2. Adv. Satish Dedhia submits that pursuant to order dated 25th August 2023, the applicants have given intimation of next date of hearing in writing to non-applicant nos. 9,11,20,29,42 to 50.
3. A perusal of affidavit of service would show that the applicants have given intimation of today's date of hearing to non-applicant nos. 42 to 50. Despite this, they have failed to appear in the matter. Therefore, contempt petition is to proceed ex-parte against non-applicant nos. 42 to 50.
4. A perusal of affidavit of service would show that the applicants have

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given intimation of today's date of hearing in writing to following non-applicants and postal acknowledgement receipts and envelopes are on record, which clearly indicate service of notices on these non-applicants.

1.	Bharat V. Vira (Non-applicant no. 10)
2.	Hitesh Anatrai Desai (Non-applicant no. 12)
3.	Jitendra A. Patel (Non-applicant no. 13)
4.	Urvi Jignesh Joshi & Jignesh Harish Joshi (Non-applicant no.15)
5.	Preeti Kamlesh Trivedi & Kamlesh Parmanand Trivedi (Non-applicant no. 16)
6.	Damyanti Rajender Dubal (Non-applicant no. 17)
7.	Rajesh Chandrakant Lad & Manisha Lad (Non-applicant no. 30)

Despite service of notices these non-applicants have not appeared. Therefore, contempt petition is to proceed ex-parte against the above-mentioned non-applicants.

5. It further reveals from affidavit of service that the applicants have failed to serve the notices on the following non-applicants as the postal endorsement indicates that they have left the address.

1.	Bhamini Kamal Parekh (Non-applicant no. 31)
2.	Swati Lad (Non-applicant no. 33)

Therefore, applicants are directed to re-serve the notices on these non-applicants or to take steps for service of notices on these non-applicants.

6. Applicants have produced envelope on record with respect to Sangita Ketan Gandhi (Non-applicant no. 35). Postal endorsement appearing on the said envelope shows that no such person is found on the address. Therefore, applicants are directed to take necessary steps with respect to Sangita ketan Gandhi (Non-applicant no. 35)

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7. The affidavit of service further reveals that the applicants have served the notices on the following non-applicants

1.	Vinay Dhiraj Bohra & Namrata Vinay Bohra (Non-applicant no. 9)
2.	Rajeev A. Sane (Non-applicant no. 11)
3.	Khanchari Shantilal Prajapati (Non-applicant no. 18)
4.	Kalpana J. Pancholi & Gopal C. Pancholi (Non-applicant no. 14)
5.	Namdev Vitthal Tawade & Namita N. Tawade (Non-applicant no. 20)
6.	Chetan Thakarshi Tawade & Namita N. Tawade (Non-applicant no. 21)
7.	Sanjaykumar Ranbahadur Morya & Ranbahadur Morya & Ramrajidevi Morya (Non-applicant no. 29)

Despite service of notices the above-mentioned non-applicants have not appeared. Therefore, contempt petition is to proceed ex-parte against above mentioned non-applicants.

8. Affidavit of service further reveals that the applicants have served the notices on Dharmil R. Mehta (Non-applicant no. 2), Vandana D. Vania (Non-applicant no. 3) and Ashok A. Patel (Non-applicant no. 4). Despite this, they have not appeared. Therefore, contempt petition is to proceed ex-parte against these non-applicants.
9. The applicants have not taken steps to serve the notice on the rest of the non-applicants. Applicants are directed to take necessary steps to serve notices on the rest of the non-applicants.
10. Learned Adv. Satish Dedhia submits that the applicants are ready to deposit necessary charges for serving the notices on the rest of the non-applicants by registered post and the notices be sent to

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rest of the non-applicants through Tribunal.

11. Liberty as sought is granted.
12. Applicants are directed to deposit necessary charges.
13. Registry is directed to issue notices to the rest of the non-applicants after deposit of necessary charges by the applicants.
14. Stand over to 19th March 2024 for appearance of rest of the non-applicants, Vakalatnama and reply.


(DR. K. SHIVAJI)

Ajit


(SHRIRAM. R. JAGTAP)