

BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL**MUMBAI****Ex. NO. 09 OF 2023****IN****APPEAL NO. AT006000000010503**

Mr. Ganesh J. Gwade

... Applicant

-VS-

Assets Reality

... Non-applicant

*Mr. Deepak Jamsandekar, Advocate for Applicant.**None for Non-applicant.***CORAM : SHRI SHRIRAM R. JAGTAP, MEMBER (J) &****DR. K. SHIVAJI, MEMBER (A)****DATE : 27th SEPTEMBER, 2023****(THROUGH VIDEO CONFERENCE)****Corrigendum**

It has been brought to our notice that there is one typographical mistake occurred in 5th line of para 7 of the order dated 24th August, 2023 in the captioned Appeal, which needs to be corrected as under:-

"7] *Learned counsel for Applicant further submits that compliance of the judgment decree dated 06.04.2021, has not been complied with and Applicant has filed execution application. He further submits that Applicant has no information about the details of movable and immovable properties of Non-applicant and submits that Non-applicant be directed to furnish the details of movable and immovable properties under Order XXI Rule 43 and 54 of the C.P.C, 1908 of the judgment debtor and of its partners."*


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)

(this Order is corrected as per order dated 27.09.2023)

Nalawade

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None for Non-applicant.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 24th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

Mr. Deepak Jamsandekar, learned counsel for Applicant joined the conference. None for Non-applicant.


2] Learned counsel submits that Non-applicant has been informed about today's hearing date, copy of execution application has also been served and affidavit of service along with postal receipts and postal tracking reports etc. including acknowledgement received from Non-applicant have also been filed.

3] Perused.



- 4] Non-applicant has been duly served and today's hearing date has also been informed.
- 5] Absent.
- 6] Execution Application No.09/2023 for non-execution of order dated 06.04.2021 passed by this Tribunal for *inter alia* payment of delay interest to proceed *ex-parte*.
- 7] Learned counsel for Applicant further submits that compliance of the judgment decree dated 06.04.2021, has not been complied with and Applicant has filed execution application. He further submits that Applicant has no information about the details of movable and immovable properties of Non-applicant and submits that Non-applicant be directed to furnish the details of movable and immovable properties under Order XXI Rule 43 and 54 of the C.P.C, 1908 of the judgment debtor and of its partners.
- 8] Non-applicant is directed to furnish the details as sought herein of movable and immovable properties of its partners.
- 9] Registry to issue appropriate directions under Order XXI Rules 43 and 54 of the C.P.C, 1908 to Non-applicant to furnish details as required as mentioned in paras above.
- 10] Stand over to 11th October, 2023 for further consideration.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)