

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

M. A. No. 334/2023 (Stay)

In

Appeal No. AT006000000144455/2023

Mr. Rahul Surendraprasad Dwivedi & Ors. ... Appellants

V/s.

Nirmal Lifestyle Ltd. & Anr. ... Respondents

Adv. Mr. Rakesh Pathak for Appellants

Adv. Mr. Nimay Dave for Respondent No.2

None for Respondent No.1

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

DATE : 17th October, 2023

(THROUGH VIDEO CONFERENCING)

Advocate Mr. Rakesh Pathak seems to be appearing in the matter, but he is not audible nor visible.

2] Later Advocate Mr. Rakesh Pathak is audible and visible.

3] Advocate Mr. Rakesh Pathak submits that pursuant to the direction of this Tribunal Appellants have given intimation of today's date of hearing to Respondent No.1 and filed affidavit of service.

4] A perusal of affidavit of service would show that the Appellants have given intimation to Respondent No.1 in writing and the Respondent No.1 has received the same on 07.09.2023.

5] The postal acknowledgement receipt clearly indicates the service of the said intimation on the Respondent No.1.

S. Jagtap

6] Despite this the Respondent No.1 has failed to appear in the matter.

7] Therefore, the Appeal is to proceed ex-parte against the Respondent No.1.

8] Advocate Mr. Nimay Dave seeks time to file reply.

9] Granted.

10] Stand over to 14th December, 2023 for filing reply.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP)