

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

MISC. APPLICATION NO. 711 OF 2023 [Arrest Warrant]
WITH
MISC. APPLICATION NO. 712 OF 2023 [withdrawal of amount]
WITH
MISC. APPLICATION NO. 713 OF 2023 [Interim Relief]
ALONG WITH
Ex. NO. 19 OF 2021
IN
APPEAL NO. AT006000000031769

Miss. Smita B. Kaskar

... Applicant

-VS-

Nirmal Lifestyle Ltd.

... Non-applicant

Mr. Nitin Kaskar, Advocate for Applicant.

Mr. Mihir Nerurkar, Advocate for Non-applicant.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 05th DECEMBER, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Learned counsel for Applicant submits that from September 2023, interest for the delay has not been received and has accordingly filed purshis for attachment of bank account and other properties of Non-applicant.

3] Learned counsel for Non-applicant submits that Second Appeal filed before the Bombay High Court is listed in next week and seeks time.

4] In view of the non-payment of the delay interest by Non-



applicant and non-satisfaction of the judgment decree, learned counsel appearing for Applicant has file purshis for attachment of bank account including the share certificates with details on page nos. 692 to 695.

5] Learned counsel for parties submit that there is no stay of any superior forum.

6] Learned counsel for Non-applicant further submits that there is certain amount due and outstanding as per the judgment decree.

7] In the peculiar facts and circumstances of the case, despite clear orders of this Tribunal, Non-applicant despite having sufficient means has not complied with the various orders of this Tribunal to satisfy the judgment decree. Accordingly, we are of the opinion that coercive measures including for attachment of properties mentioned in the purshis including freezing of the bank accounts as mentioned on page nos. 692 onwards is imperative for compliance of the orders.

8] Registry is accordingly directed to issue recovery warrant for attachment and freezing of bank accounts following the standard procedure in prescribed formats.

9] Accordingly, captioned Misc. Application No. 713/2023 stands disposed of as above.

10] No cost.

11] Stand over to 11th January, 2024 for further consideration.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)