

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

MISC. APPLICATION NO. 613/2023 (Amendment)

IN

Ex. No. 36/2022

IN

29] APPEAL NO. AT006000000052813 OF 2020

Subhendu Kumar Barik

... Applicant

-VS-

Aanya Residances

...Non-applicant

*Adv. Zoheb Khatri for Appellant.
None for Respondent.*

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 30th NOVEMBER, 2023

(THROUGH VIDEO CONFERENCE)

1 Pursuant to the order dated 3rd October 2023. Registry has sent intimation in writing in the form of directions to Respondents by registered post acknowledgment due. However, all the 4 envelopes returned to Tribunal with postal remarks "Intimation posted". It means despite Intimation the Non-applicant no.1 to 4 did not collect the envelopes from concerned post office.

2. It further transpires that the applicant has also given intimation of the order in writing to non-applicants by register post. The tracking reports show that the non-applicant nos.2 to 4 have received

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intimation i.e. directions of this Tribunal. So far as, non-application no.1 is concerned the item is not delivered. It means despite receipt of directions of this Tribunal the non-application nos. 2 to 4 have neither appeared in the matter nor disclosed the details of their assets on affidavit.

3. It transpires from record that despite having sufficient means the non-applicants have failed to comply the decree passed by this Tribunal. They have not deposited single rupee in the matter towards satisfaction of the decree.

4. By this application no. 613/2023 the applicant has prayed to issue warrant of arrest against the judgment debtors on account of non-compliance of decree. Therefore, issue notice to judgment debtors as to why arrest warrant shall not be issued against them.

5. Registry is directed to issue show cause notice to judgment debtors accordingly.

6. Stand over to 05th February 2024 for further consideration.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP)

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