

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**M.A. No. 212/23 (Addl. Docs.)
WITH
M.A. No. 330/23 (Addl. Docs.)
IN
APPEAL NO. AT006000000063823/22**

Narendra Ramchand Ochani & Anr.

... Appellants

-VS-

Veena Realcon Pvt. Ltd.

... Respondent

Mr. Ram Dayal, Advocate for Appellants.

Mr. Omkar Kulkarni, Advocate for Respondent.

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

DATE : 3rd OCTOBER, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

**IN MISC. APPLICATION NO. 212/23 AND
MISC. APPLICATION NO. 330/23**

- 2) Heard learned counsel for parties in extenso.
- 3) By these two captioned applications, Applicants/Appellants are seeking to produce additional documents as set out in these two applications as mentioned on page no. 450 and 404.
- 4) Adv. Ram Dayal submits that these documents could not be produced earlier while filing appeal because these documents have been obtained under RTI from the concerned authorities. These



documents are essential for effective adjudication of the disputes under the appeal.

- 5) Adv. Omkar Kulkarni vehemently opposed these two applications by submitting that the applications do not quote any Rule under which these documents are being produced. Besides, by allowing the production of these documents, Appellant is virtually getting second chance, which is not permissible under the law.
- 6) Adv. Ram Dayal submits that these documents are being produced under Rule 14(i) of the Maharashtra Real Estate Appellate Tribunal Regulations, 2019 and these documents are essential documents which have been received from concerned authorities.
- 7) Perused.
- 8) These documents are relevant and essential to adjudicate the disputes in these matters. These documents are essential to decide the disputes effectively and these applications are in accordance with the provisions mentioned in the Order 41 Rule 27 of CPC. Accordingly, these documents are allowed to be produced on record keeping the points of admissibility of these documents open on merits with liberty to the Respondent to rebut the same on merits and without prejudice to the rights and contentions of the parties.
- 9) Accordingly, captioned MAs' are allowed and these documents mentioned in the schedule therein are taken on record.



10) No costs.

IN APPEAL NO. AT006000000063823/22

11) Liberty to Respondent to file additional reply, if any within three weeks.

12) Liberty to Appellants to file rejoinder, if any thereafter.

13) Stand over to 15th Dec. 2023 for completion of pleadings.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)

MS/-