

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

32] MISC. APPLICATION NO.913/2022 (stay)

IN

APPEAL NO. S-2 OF 2022

M/s. Diwali Developer & Ors.

... Appellants

-VS-

M/s. Vikunj Enterprises Pvt. Ltd & Ors.

... Respondents

With

33] MISC. APPLICATION NO.915/2022 (stay)

IN

APPEAL NO. S-3 OF 2022

M/s. Mumbadevi Malad CHS. Ltd.

... Appellant

-VS-

M/s. Vikunj Enterprises Pvt. Ltd & Ors.

... Respondents

Adv. Padma Chinta for Appellant in Sr. No.32 and Respondent No.6 (Diwali Developers) in Sr. No.33.

Adv. Rajani Kanojia for Appellant in Sr. No.33.

Adv. Tanuj Lodha for Respondent No.1 in both matters.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 09th NOVEMBER, 2023

(THROUGH VIDEO CONFERENCE)

1. Learned counsel appearing for appellants submit that they have received reply by email but attachment is not opened.

2. Adv. Tanuj Lodha undertakes to re-serve the same.

In Sr. No.32.

3. Record reveals that Respondent No.3 to 5 have been duly served with notices but did not appear on the last date, today also they have not appeared. Therefore, appeal is to proceed exparte against the Respondent

S. Jagtap

No.3 to 5.

4. Adv. Padma Chinta submits that the appellant has filed affidavit of service. A perusal of affidavit of service would show that pursuant to directions of this Tribunal dated 11th September 2023. The Appellants have published summons in the daily newspapers and despite this Respondent No.2 has not appeared in the matter. Therefore appeal is to proceed exparte against the Respondent No.2.

IN SR.No.33.

5. Adv. Rajani Kanojia submits that pursuant to the directions of this tribunal, the appellants have published notice/summons in the newspapers and filed affidavit of service. Despite this Respondent No.2 has failed to appear in the matter. Apart from this, record reveals that despite service of notices/summons Respondent nos.3 to 5 have failed to appear in the matter. Therefore, appeal is to proceed ex-parte against the Respondent nos.3 to 5. As indicated above, despite publication of summons in the newspaper, the respondent no.2 has failed to appear in the matter. Therefore, appeal is to proceed ex-parte against the Respondent no.2.

6. Adv. Tanuj Lodha undertakes to re-serve the reply to the other side in both the matters.

7. Stand over to 24th January 2024 for completion of pleadings.


(DR. K. SHIVAJI)
vk


(SHRIRAM R. JAGTAP)