

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

**55] MISC. APPLICATION NO. 590/2023 (Substitute service)
MISC. APPLICATION NO. 913/2022 (stay)
IN
APPEAL NO. S-2 OF 2022**

M/s. Diwali Developers & Ors.

... Appellants

-vs-

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

... Respondents

With

**56] MISC. APPLICATION NO.591/2023 (substitute service)
MISC. APPLICATION NO. 915/2022 (stay)
IN
APPEAL NO. S-3 OF 2022**

M/s. Mumbadevi Malad CHS. Ltd.

... Appellant

-vs-

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

... Respondents

Adv. Padma Chinta for Appellant in Sr.No.55.

Adv. Rajani Kanojiya for Appellant in Sr.No.56.

Adv. Tanuj Lodha for Respondent no.1. in Sr.No. 55 and 56.

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

DATE : 11th September, 2023.

(THROUGH VIDEO CONFERENCING)

Adv. Padma Chinta submits that appellant has served notices upon the Respondent Nos. 3 ^{to} ~~and~~ 5 and filed affidavit of service.

2. A perusal of affidavit of service would show that respondent no.3 to 5 are duly served with notices. Tracking report clearly indicate service of notices upon these Respondents. However, appellant has not given intimation of today's date of hearing to these Respondents. Therefore,

Sgtap

appellant is directed to give intimation of next date of hearing to Respondent Nos.3 to 5 and in writing and filed affidavit of service.

3. Adv. Padma Chinta further submits that appellant has tried to serve notice on Respondent No.2 but no acknowledgment is received with respect to service of notice on the Respondent No.2 and therefore, filed application for substitute service. Application is supported by affidavit of Appellant. Therefore, substituted service is allowed. Appellant is directed to publish notice in the newspaper as prayed for. Registry is directed to do the needful.

4. Adv. Tanuj Lodha submits that he has filed reply on behalf of the respondent no.1 and served copies of the same to other side.

5. Adv. Padma Chinta as well as Rajani Kanojiya submits that they have not received copies of reply of Respondent No.1.

6. Adv. Tanuj Lodha undertakes to reserve the copies of reply to other side.

7. Similar position is there in Appeal No.56 filed by society. Appellant is directed to give intimation of next date of hearing to other side and filed affidavit of service. Appellant society is also permitted to publish notice in the newspaper.

8. Stand over to 9th November 2023 for filing affidavit of service.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J)