

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-302/2023

UPPAL CHADHA HI-TECH DEVELOPERS PVT. LTD.

.....Appellant

Versus

AJAY KUMAR MONGA AND KAVITA MONGA
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.....Respondent

Counsel for Appellant

AMIT YADAV

BAL KISHOR VERMA

Counsel for Respondent

MANOJ KUMAR

Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman

Hon'ble Mr. Sanjai Khare, Judicial Member

Sri Amit Yadav, Advocate is present on behalf of applicant. Record reveals that earlier Sri Manoj Kumar, Advocate put in appearance on behalf of respondent on 08.05.2023. Subsequently Sri Gaurav Malhotra and Sri Vijendra Singh, Advocate have filed their vakalatnama on 07.11.2023 and looking into the appearance of respondent vide order date 05.09.2023 ten days' time was granted for filing objections. Today Ms Devika Singh, Advocate holding brief of Dr. Azhar Ikram appeared on behalf of respondent and sought ten days' time for filing vakalatnama and objections. As far as appearance on behalf of respondent by new counsel is concerned, we have no objection, as it is the choice of the parties to change his counsel as per his choice and convenience.

The record reveals that initially taking into consideration that Sri Manoj Kumar, Advocate has filed vakalatnama on 08.05.2023, on 08.08.2023 ten days' time was granted for filing objections.

There is a clear mandate under Section 44(5) of the Act, 2016 that endeavour be made to decide or dispose of appeal within 60 days from date of its filing.

The instant appeal is pending since December, 2022 and despite repeated opportunities and appearance on behalf of two Advocates, the respondent did not choose to file objections, hence we are constrained to close the opportunity for filing objections and proceed to hear this matter ex-parte on the basis of available record.

List this defective appeal for consideration of application for condonation of delay and hearing on **14.03.2024**.

However, it is open for the respondent to make submission on the basis of records available in the memo of appeal and on legal issues.

(Sanjai Khare)

(D.K. Arora)

Dated: 08.02.2024
SANTOSHKSHUKLA