

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-361/2024

ANURADHA KUMARI

.....Appellant

Versus

AASTHA INFRACITY LIMITED

.....Respondent

Counsel for Appellant
NITESH ANAN

Counsel for Respondent

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Devindar Singh Chaudhry, Technical Member

1. Heard learned counsel for the respondent.
2. Learned counsel for the respondent has filed an application dated 22.04.2025 seeking recall of the order dated 04.04.2025, whereby, cost at Rs.10,000/- came to be imposed upon the respondent for seeking adjournment which was opposed by the appellant appearing in person.
3. Learned counsel for the respondent submits that at no point of time earlier in the proceeding, adjournment was sought by the respondent. It is, therefore, submitted that the statement that the respondent is seeking repeated adjournment, has wrongly been noted in the order.
4. It is further submitted that late night on 03.04.2025, the counsel for the appellant was informed that the counsel for the respondent would not attend the proceeding due to his illness.
5. Be that as it may, it is not in dispute that the appellant is a lady who travels from Patna, boarding a train at about 04.00 p.m. in the afternoon, and reaches Lucknow late night.

6. In the circumstances, we do not find any merit in the application. Admittedly, the application seeking adjournment was uploaded/informed belatedly to the appellant causing undue harassment. The application to recall the order dated 04.04.2025, is accordingly rejected.
7. The respondent to comply the order dated 04.04.2025 on or before 19.05.2025, failing which, the case shall proceed ex parte against the respondent.
8. List this appeal on 19.05.2025.

(Devindar Singh Chaudhry)

(Suneet Kumar)

Dated: 29.04.2025
RAJNEESHPS