

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8454 OF 2024

Marvel Realtors And Developers Ltd. ...Petitioner
Versus
Seema Sureshchandra Mehata
(since Decd Thru Lhr) And Anr. ...Respondents

....

Mr. Amit A. Gharte, Advocate for the Petitioner.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 19th JUNE 2024

P.C.:

1. The petition questions the order dated 10.05.2024 (page-328) passed in executing proceedings Spl. Darkhast No.116/2022 seeking to enforce the final order dated 16.08.2019 passed by Maharashtra Real Estate Regulatory Authority (RERA) (Page-242). The impugned order directs issuance the warrant of possession. According to learned counsel for the petitioner, the order dated 16.08.2019 passed by RERA, which is put to execution by Clause (d) indicates that the possession is to be delivered upon the petitioner/Developer receiving the full agreed amount from

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the complainants/ respondent Nos. 1 & 2. It is contended that since the amount has not been paid by the respondents Nos.1 and 2, the petitioner themselves have filed Spl. Darkhast No.168/2022 (page 299).

2. It is therefore contended that unless satisfaction is recorded by the learned executing Court, that the petitioners have received the full agreed amount, in terms of Clause (d) of the final order passed by RERA dated 16.08.2019 warrant for delivery of possession cannot be issued. It is contended that the very fact that the petitioners have filed executing proceedings i.e. Spl. Darkhast No.168/2022 would indicate non payment of the amount by the respondents Nos.1 & 2 in terms of the order dated 16.08.2019.

3. Issue notice to the respondent Nos.1 & 2 for final disposal, returnable on 16th July, 2024.

4. Till the returnable date, the order dated 10.05.2024 passed by the executing Court in Spl. Darkhast No.168/2022 shall stand stayed.

(AVINASH G. GHAROTE, J.)