BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL (TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Island)

(Under the Real Estate Regulation and Development Act, 2016)

Dated : 28.08.2019

Coram : Hon'ble Mr. Justice B.Rajendran, Chairperson
Mr.N.Balasubramanian, Judicial Member
Ms. Leena Nair, Administrative Member

S.R.No.484 of 2019

In

Unnumbered Appeal --- of 2019

M/s.Asvini Foundations
Represented by its Partner Ms.Aarti Razee .... Appellant

-Versus-

1. Mr.M.Ravi
2. Mr.M.Kannan
3. M/s.ICMC Corporation Limited
   Represented by its Director Mr.M.Ravi
4. Mr.M.Michaelsamy
5. K.G.Ramasamy
6. Mrs.Kalyani Rani
7. Mr.R.P.Shanmugam
8. Mr.G.Antonysamy
9. Mr.A.Gopal
10. Mr.R.Raju
11. Mr.M.Veerakumar
12. Mr.K.Raman
13. Mrs.S.Shobana Devi
14. Mr.M.Ramani
15. Mr.G.Murugesan
16. Dr.S.Sridevi
17. The Akila heights Owners Association
    Represented by its President ... Respondents

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This appeal preferred by the appellant through counsel M/s.T.M.Naidu & Co. under Section 44 (1) of the Real Estate (Regulation and Development) Act,.2016 to set aside the order in S.R.No.0152 / 2019 dated 02.05.2019on the file of the Adjudicating Officer and pass such further or other orders as this Tribunal may deem fit and proper in the circumstances of the case.

On 18.07.2019, the advocate for the appellant was heard on maintainability. Since already civil suit and arbitration proceedings are pending, in order to ascertain further details from the other side and also for the limited purpose for ascertaining maintainability alone, notice is ordered to the respondents on the SR application itself regarding maintainability. On 29.07.2019 Advocate Mr.S.Rahul Vivek filed vakalat for respondents 1,3 and 17 and he undertakes to file vakalat for all other respondents except R7.The respondent counsel has also pointed out that the 7th respondent, Mr.Shanmugam had died long ago. On 08.08.2019 Advocate Mr.Rahul Vivek filed vakalat for respondents 4,8,9,10,11,12 & 14. At the request of appellant's counsel case was adjourned to 19.08.2019 for maintainability. On 19.08.2019 also at the request of appellant case was posted to 20.08.2019. On 20.08.2019, appellant and his counsel were absent. Respondents were represented by their counsel. Then one more opportunity was given and it was ordered that if no representation is made on that day the appeal would be posted for dismissal and the case was posted to 26.08.2019. On 26.08.2019 both appellant and her counsel were absent. Respondents were represented by their counsel and it was ordered that as per the earlier order dated 20.08.2019 post this case under the caption "for dismissal" on 28.08.2019 and delivered the following :

ORDER

On 28.08.2019 appellant and her counsel were absent and the 1st respondent was present and it was ordered that the matter is stated under caption "for dismissal" Today as in inspite of repeated orders, they have not appeared before this court. The appeal is rejected at the maintainability stage itself for default. No costs.

Pronounced by us in the open court, this the 28th day of August 2019.

Sd/- XXXXX
CHAIRPERSON

Sd/- XXXXX
ADMINISTRATIVE MEMBER

Sd/- XXXXX
JUDICIAL MEMBER

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