

**THE DECREE/ JUDGMENT PASSED IN APPEAL COURT
SUBORDINATE TO HIGH COURT/APPELLATE TRIBUNAL
UNDER RERA CAN BE CHALLENGED BY WAY OF A SECOND
APPEAL BEFORE THE HIGH COURT (SECTION 100 OF CODE
OF CIVIL PROCEDURE, 1908)**

IN THE HIGH COURT OF JUDICATURE OF _____
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. _____ OF _____
IN
FIRST APPEAL NO. _____ OF _____
IN
COMPLAINT NO. _____ OF _____

DISTRICT: _____

In the matter of Section 100 of The
Code of Civil Procedure, 1908;

AND

In the matter of Section 58 of The
Real Estate (Regulation and
Development Act), 2016;

AND

In the matter of Order and
Judgment dated _____ passed
by the _____ Real Estate
Appellate Tribunal in Appeal No.
_____ of _____ in Complaint No.
_____ of _____.

_____)
Age: about _____ years)
residing at: _____)
_____)
_____)
_____)

...Appellant

V/s.

_____)
Age: about _____ years)
residing at : _____)
_____)
_____)
_____)

...Respondent

TO,
THE HON'BLE CHIEF JUSTICE AND OTHER
HON'BLE PUISNE JUDGES OF HIGH COURT
OF JUDICATURE AT _____.

**HUMBLE APPEAL OF THE APPELLANT
ABOVE NAMED**

MOST RESPECTFULLY SHEWETH:

1. Being aggrieved and dissatisfied by the Order and Judgment dated _____ [**the Impugned Order**] passed by the _____ Real Estate Appellate Tribunal [**the First Appellate Court**] in Appeal No. _____ of _____ arising out of the Judgment and Order dated _____ passed by the Learned Chairman, _____ Real Estate Regulatory Authority [**the Learned Authority**] in Complaint No. _____ of _____, the Appellant is constrained to approach this Hon'ble Court challenging the Impugned Order by the present Second Appeal, *on the following substantial questions of law*, which arise out of the Impugned Order:-

- (A) Whether the Impugned Order is perverse as the First Appellate Court has awarded interest to the Respondents without considering that the Respondents, before the Hon'ble Authority, had agreed and given up their claim on interest / compensation for delayed possession and sought liberty to demand interest / compensation under Section 18 of the Real Estate (Regulation and Development) Act 2016 [**the Act**] at an appropriate stage?
- (B) Whether a party that has given up its claim before an Authority, and which has been recorded by such Authority in the Order, can be permitted to challenge such order?
- (C) Whether a party can contend before an Appellate Forum that the Court/Authority of first instance has wrongly recorded its

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PREVIEW