

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT-39  
IN  
RAD SUIT NO.967 OF 2023  
(CNR NO.MHSCA2-001282-2023)

Shri. Deepak Dinanath Lotlikar ...Plaintiff  
Versus  
Mumbai Metro Rail Corporation and Ors. ..Defendants

Mr. A. A. Kocharekar, Advocate for Plaintiff.  
Mr. Jay Shah & Associates, Advocate for defendant No.9

Coram:- S. D. Kurane, Judge  
Court Room No.8  
Dt.04.04.2024

**ORDER**

This is an application filed by the defendant No.9 to pay the costs as prayed.

2. Perused the application. The plaintiff endorsed the say to the application and resisted it.

3. Heard and gone through details of the record.

4. It is relevant to state here that the plaintiff sought a relief of declaration against the defendant. It is a matter of record that application Exh.23 for condonation of delay in filing written statement has been allowed on 09.02.2024 by saddling cost of Rs.600/-. It was expected on part of the defendant to comply the order below Exh.23 on or before next fixed date. But the defendant failed to do so. By this application, defendant has come with the contention that he was out of town so he failed to comply the order and now he is ready to pay the cost. So, I viewed that there is no any

hurdle to allow the application. Hence, the order.

**ORDER**

1. Application Exh.39 is allowed.
2. Parties to take note.

**Date : 04.04.2024**

**(S. D. Kurane)  
Judge, C. R. No. 8**