

IN THE COURT OF SMALL CAUSES AT MUMBAI**ORDER BELOW EXHIBIT 36****IN****R.A.E. SUIT NO.1455 OF 2015
(CNR : MHSCA2-002550-2015)**

Mrs. Shamsi Malek Malekpur

... Plaintiff

v/s

Pems Investment Pvt. Ltd.

... Defendant

**Coram : Smt. S. R. Shinde, Judge,
Court Room No.15,
Date : 16.10.2018****ORAL ORDER :**

Perused the application. This is defendant's application with a prayer that defendant be allowed to deposit the costs imposed by the order dated 04.05.2018 below Exh.30.

2. Plaintiff has resisted present application on the ground that the impugned order is under challenge in the High Court. Therefore, the application does not survive and deserves to be dismissed.

3. Heard advocates of both sides. On perusal of order passed below Exh.30, it transpires that defendant was directed to pay costs of Rs.1,000/- to the plaintiff while condoning delay in filing additional written statement. Plaintiff has chosen to challenge the said order. In such situation, I find that it will be just and proper to allow defendant to deposit amount of the costs in the Court to show their bonafides. Hence,

I pass following order :

ORDER

- 1) The application is allowed.
- 2) Defendant is permitted to deposit the amount of costs of Rs.1,000/- in the Court on or before next date.

(S. R. Shinde)
Judge, C.R.No.15
16.10.2018

Dictated on : 16.10.2018
Transcribed on : 16.10.2018
Checked & signed on : 16.10.2018