

IN THE COURT OF SMALL CAUSES AT MUMBAI**ORDER BELOW EXHIBIT 44****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 : K. M. Jaisingani,
Judge, C.R.No.15,
Date : 20.02.2019**

ORAL ORDER :

1. By the present application, the plaintiff has prayed to struck off the defence of defendant and to initiate contempt proceeding against the defendant.
2. The application is opposed by defendant by reply Exh.45.
3. Heard both sides.
4. The present application is filed by striking the defence of defendant for the reason that the defendant has committed default in payment of costs. The defendant has filed receipts of deposit of amount of costs in the Court. On verifying those receipts, the learned counsel for

plaintiff submitted that the defendant has complied the order of depositing of costs. Therefore, the plaintiff does not want to press the application for that relief.

5. The application is also filed by submitting that one Dilshad has stolen precious timber of plaintiff. The defendant has made false statement that as Dilshad was out of town, she could not file her written statement within time. At this stage, I do not find it that the defendant has made that false statement. Therefore, there is no substance in application. The application is liable to be rejected. Hence, I pass following order :

ORDER

The application is rejected.

(K. M. Jaisingani)
Judge, C.R.No.15
20.02.2019

Dictated on : 20.02.2019
Transcribed on : 20.02.2019
Checked & signed on : 22.02.2019