

## IN THE COURT OF SMALL CAUSES AT MUMBAI

## ORDER BELOW EXHIBIT 14A

IN

R.A.E. SUIT NO.1455 OF 2015

Mrs. Shamsi Malek Malekpur ... Plaintiff  
v/s

Pems Investments Pvt. Ltd. ... Defendant

The plaintiff : In person  
Advocate for the defendant : M/s. K. P. Tiwari & Co.

Coram : K. P. Kshirsagar,  
Judge, C.R.No.15,  
Date : 20.08.2016

**ORAL ORDER :-**

This is an application filed by the defendant for allowing it to deposit the cost amount in the Court.

2. In short, it is the case of the defendant that its application exh.8 and 9 were allowed by the court as per order dt.04.05.2016 subject to payment of cost of Rs.1,500/- each to the plaintiff to be paid on or before next date. However, on 28.06.2016, the plaintiff and its advocate were absent. Therefore, the defendant could not comply the order. Therefore, the defendant has prayed to allow it to pay cost amount in the Court.

3. In spite of opportunities, the plaintiff failed to file its say and

therefore, the application is proceeded without say of the plaintiff.

4. Heard Ld. Advocate for the defendant. The plaintiff failed to advance its argument and therefore, the plaintiff could not be heard.

5. The perusal of record reveals that the defendant had taken out application exh.8 and exh.9 and as per order dt.04.05.2016, both the above applications were allowed subject to payment of costs of Rs.1,500/- to the plaintiff to be paid on or before next date. It appears that after passing of the above order below exh.8 and 9, the matter was adjourned on 28.06.2016 and on that date, the defendant's advocate was present and he filed pursis exh.13 to the effect that the defendant is ready to comply the above order. However, it reveals that as the plaintiff and its advocate were absent, the defendant could not comply the order below exh.8 and 9 in respect of payment of costs amount to the plaintiff. Therefore, there appear just and reasonable cause for allowing the defendant to deposit the cost amount as per order below exh.8 and 9 dt.04.05.2016 in the Court, as prayed. Hence, the following order :

### **ORDER**

- 1) The application is allowed.
- 2) The defendant is permitted to deposit cost amount as per order below exh.8 and 9 dt.04.05.2016 in the Court within 10 days from the date of this order.
- 3) Account Department of this Court is directed to accept the amount of cost as per order below exh.8 and 9 dt.04.05.2016 from the defendant,

if, deposited by the defendant within ten days from the date of this order.

4) Cost in cause.

(K. P. Kshirsagar)  
Judge, C.R.No.15,  
20.08.2016

Dictated on : 20.08.2016  
Transcribed on : 20.08.2016  
Checked & signed on : 20.08.2016