

: MHSCA2-003272-2013

IN THE COURT OF SMALL CAUSES, MUMBAI

ORDER BELOW EXHIBIT NO.21

IN

L.C. SUIT NO. 210/249 OF 2013

New India Assurance Company Limited ...Plaintiff.

V/s.

Edelweiss Financial Services Limited ... Defendant.

Navdeep Vora & Associates, Ld. Advocate for the Plaintiff.

M/s Thakore Jariwala & Associates, Ld. Advocate for Defendant

Coram : Smt. C. P. Jain, Judge

C.R.No.20.

Date : 05/02/2018

ORAL ORDER :

1. Read application, say filed. Heard both the ld. Advocates.
2. This is an application by plaintiff praying for removing the suit from the caption of dismissal.
3. Perused the file. Matter was posted for hearing on 18/06/2015. As matter was stalled on same stage, this court had passed order on 06/09/2017 for adverse orders. Plaintiff failed to file his evidence despite sufficient opportunity given. Therefore, matter was posted for adverse orders.

4. Plaintiff has preferred present application for removing the caption of “dismissal”. However, the matter is not posted in the caption of dismissal but matter is posted for adverse orders.

5. It is plaintiff who has knocked the doors of the court. Therefore, opportunity needs to be given to plaintiff to file his evidence, with directions to proceed in this suit diligently. Inconvenience caused to defendant can be compensated by saddling costs. In result, I proceed with following order;

ORDER

1. Application is allowed subject to costs of Rs.250/- (Rs. Two Hundred Fifty only) to be paid by plaintiff to defendant till next date.
2. On deposition of costs, matter is removed from the caption of adverse orders and plaintiff is permitted to file his evidence affidavit without any delay.

Sd/-

(C. P. Jain)
Judge
C.R. No.20

Date : 05/02/2018