

: MHSCA2-003272-2013

IN THE COURT OF SMALL CAUSES, MUMBAI

**ORDER BELOW EXHIBIT NO.22
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 : 22/06/2018

ORAL ORDER :

1. Read application, say filed. Heard both the ld. Advocates.
2. This is an application by plaintiff praying to extend the time for compliance of order dt.05/02/2018 passed below Exh.21.
3. This court had passed order below Exh.21 on 05/02/2018 subject to payment of costs of Rs.250/-. Plaintiff failed to pay the costs. Therefore, present application is moved to comply order passed below Exh.21.
4. The reasons made out in present application for non-compliance is ignorance about the order passed on 05/02/2018. According to plaintiff, he was under impression that, the matter is pending for orders and therefore he could not comply till 01/03/2018.

5. On perusal of file, it is evident that, on 05/02/2018 order was passed by this court on Exh.21 subject to payment of costs to be paid to defendant till next date. The next date was 01/03/2018. Defendant in order to pay costs has moved present application. As order below Exh.21 was already passed and plaintiff was given opportunity, present application deserves to be allowed. As payment of costs was permitted till 01/03/2018, plaintiff could have paid the same on same date i.e. 01/03/2018. However, he has moved present application for payment of costs.

6. Defendant has filed his reply contending that, on 26/03/2018, plaintiff has paid the costs. In such circumstances, there is mere formality of order remaining on record. In result, I proceed with following order;

ORDER

1. Application is allowed.
2. Plaintiff is permitted to pay the costs and comply the order dt.05/02/2018 passed below Exh.21.
3. Costs in cause.

Sd/-

(C. P. Jain)

Judge, C.R. No.20

Date : 22/06/2018

Dictated on : 22/06/2017

Transcribed on : 25/06/2018

Checked & signed on : 26/06/2018

Sd/-

(C. P. Jain)

Judge, C R No.20