

MHRG140000892020



R.C.S./20/2020

**Hasuram Vithoba Patil Vs. M/s. Shubhay Developers Partnership
Firm Through Kisan Gajanan Tandel**

ORDER BELOW EXH-48

1. This is the application filed by defendant No-1/1 for grant of permission to pay cost amount. He contended that there was delay occurred in filing his Written Statement. Therefore, 'No-W.S.' order was passed against him. He had filed application to set aside that 'No W.S.' order. On that application cost of Rs.100/- each was imposed. Inadvertantly he had not paid that cost amount. Now, he is ready to pay the cost amount.

2. By filing say plaintiff opposed the application contending that defendant was required to pay cost amount immediately. Defendant has filed this vague application. Hence, he sought for rejection of this application.

3. Perused the record. This suit is filed under the provisions of Maharashtra Ownership of Flat Act, 1963. Ex-parte order against defendant No-1/1 was passed on 22/11/2021. To

set-aside that order defendant No-1/1 had filed application at Exh-20 which was allowed on payment of cost of Rs.100/- to the plaintiff vide order dated. 05.05.2022.It appears that cost amount imposed was already paid and received by the plaintiff on 24.05.2022. It also appears that defendant No-1/1 had also filed application for condonation of delay for filing his Written Statement which is at Exh-23. That application was also decided by my learned predecessor vide order dated 05.05.2022 and remark regarding receipt of cost amount by plaintiff is also mentioned on the order. Written Statement of defendant No-1/1 also appears to have read and recorded by my learned predecessor. Therefore, no reason appears to have arise to file this application. Hence, I proceed to pass following order;

ORDER

A) As the cost amount is already paid, this application is hereby disposed off.

Date : 15-11-2025

Shri. S. P. Wankhade
Jt. Civil Judge J.D. J.M.F.C. Uran.