

ORDER BELOW EXH. 1 IN RCS NO. 52/2022

Perused the roznama and record. Perused the reports of bailiff about service of summons. It appears that summons are duly served on defendant no. 14 on 02/07/2022 , defendant no. 10 and 11 on 23/06/2022 and defendant no. 20 on 02/07/2022. Today learned Adv. for defendant no. 1 and 3 is present. No one for plaintiff appeared today. The summons to defendant no. 12, 13 and 17 were returned unserved on 30/09/2022. In view of **order IX Rule 6 (a)**, when summons are duly served on defendant and they fail to appear on the date mentioned, court may pass an ex-parte order against them. Hence, **suit to proceed ex parte against defendant no. 10, 11, 14 and 20.** However, as per **Order IX Rule 5 (Bombay Amendment)**, it is the duty of Plaintiff to apply for issuance of fresh summons to unserved defendants within a period of **two months** from the date of hearing of the suit. In the failure of the same, suit shall be dismissed against concerned defendants. Hence, suit to proceed for taking steps against unserved defendant no. 12, 13 and 17. As Ld. Adv. for Parties to take note.

Date- 01/10/2022

Place – Deorukh

(Shruti H. Patil)

Joint Civil Judge J.D.,

Deorukh.

- : C E R T I F I C A T E : -

Judgment/order in (Order below Exh.1 in R.C.S No.52/2022)

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer :- T. N. Khade (Jr. Clerk)

Court Name :- Jt. The Court of Civil Judge (J.D.) &
Judicial Magistrate F.C., Deorukh

Date of decision :- 01/10/2022

Order signed by PO. on :- 01/10/2022

Order digitally signed by PO. :- 01/10/2022
on

Order uploaded on :- 03/10/2022