

Order below exh. 01

Persual of record shows that defendant No. 12, 13 & 17 were not duly served as bailiff report shows that it was not served due to time crunch. Hence it was prayed that time be extended for service. However, inadvertently, it appears that, court has dismissed the suit in default for want steps to be taken by Ld. Adv. for plaintiff. In view of order IX Rule 5 suit was dismissed against them.

As per judgment of Hon'ble Bombay High Court in the case of *Hariba Tatya More Vs Dada Eknath More, W.P. No. 896 of 2007*, court can utilize power u/s151 of CPC to set aside dismissal order passed.

In view of above cited authority the order passed below exh. 1 is set aside. Hence, bailiffs are directed to serve the summons on defendant no. 12,13 & 17 as time is further extended.

Place: Deorukh
Date: 04/01/2023

(Smt. Shruti H. Patil)
Jt. C.J.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 :- 04/01/2023

Order signed by PO. on :- 04/01/2023

Order uploaded on :- 05/01/2023