

Before : Sachin B. Bhansali
Prothonotary and Senior Master

Date : 8th March, 2023

FOR DIRECTION :

9. S/21/2022) Ms. Madhura D. Kulkarni, i/b. Chitnis and Co.,
) Advocates for the Plaintiff.
)
) Mr. Rozat Akolawala, i/b. Bharucha and Partners,
) Advocates for Defendant Nos. 14 and 15.
)
) Ms. Akriti Shikha, i/b. HSA Advocates, Advocates for
) Defendant No. 16.
)
) **P.C.:** Record shows that Defendant Nos. 1 to 9 are
) duly served with writ of summons and when attempt is
) made to serve Defendant No. 10, the packet returned
) back with postal remark "Unclaimed".
)
) The Hon'ble Court, vide Judgment and Order dated
) 07.12.2022, in the matter of *Forest Realty Vs. Taksha*
) *Spaces Pvt. Ltd. and Ors.*, observed that when the
) packet is returned with the remarks "Unclaimed", the
) same amounts to good service. In view of said
) observations, in the present case, writ of summons is
) deemed to be served upon Defendant No. 10.
)
) The Ld. Advocate for the Plaintiff submits that service
) against Defendant No. 11 is still awaited.
)
) Defendant Nos. 1 to 10 to file Written Statement within
) prescribed time, as provided under Order VIII Rule 1 of
) C.P.C., 1908, failing Suit against Defendant Nos. 1 to 10
) will be transferred to the list of Undefended Suits.
)
) Plaintiff to file affidavit of service proving service of
) writ of summons upon Defendant No. 11.
)
) Stand over to 11.04.2023.