

Before : Sachin B. Bhansali  
Prothonotary and Senior Master

Date : 8<sup>th</sup> March, 2023

**FOR DIRECTION :**

11. S/28/2022 ) 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.  
)  
) **PC.:** 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.