Before : Shri D.V. Sawant
Prothonotary & Senior Master
Date : 12th April, 2017

FOR WRITTEN STATEMENT:

34 COMS/38/2014

Mr. Ayush Agarwala I/b. Khaitan and Co. for Plaintiff.

Mr. Hitesh Anil Thorat for Defendant No.1

Mr. Ansari Mohd Rehan for Defendant No.3.

P.C. : On 09.03.2017, aforesaid suit was converted to the list of Commercial Causes to be heard by Commercial Division. Defendant No.3 was directed to file written statement failing suit will be transferred to the list of Undefended Suits. Today again he applies time without any justification, by way of last chance, three weeks time is granted to Defendant No.3 to file written statement i.e. on or before 03.05.2017 failing suit against Defendant No.3 will be transferred to the list of Undefended Suits.

As far as Defendant No.1 is concerned directions already issued. Defendant No.4 already stands deleted.

On last occasion, when appeared on my board, Plaintiff was directed to take steps to serve with writ of summons upon Defendant Nos. 2 and 5 failing suit against Defendant Nos. 2 and 5 will be dismissed for non-compliance of O.S. Rule 87, despite that no steps are taken. Today again he applies time to serve Defendant Nos. 2 and 5. By way of last chance, three weeks time is granted to

continued.....	)	the Plaintiff to take steps to serve with
COMS/38/2014	)	Writ of Summons upon Defendant Nos. 2
	)	and 5 under the provision O.S.Rule 445
	)	and file Affidavit of Service till
	)	03.05.2017, failing Suit against
	)	Defendant Nos. 2 and 5 will be dismissed
	)	for non-compliance of O.S. Rule 87.
	)	Office to issue fresh writ of summons, if
	)	required and list the matter on board
	)	one week well in advance. The
	)	returnable date is extended till
	)	03.05.2017.

Date: 12.04.2017

Prothonotary and Senior Master