

**Before: Shri D.V. Sawant**  
**Prothonotary & Senior Master.**  
**Date: 19<sup>th</sup> June, 2017**

**CALLED OUT FOR WRITTEN STATEMENT :**

44. S/624/2016 ) Wadia Ghandy & Co., Advocates for the Plaintiffs.  
with )  
NMS/1857/2016 ) Ms. Nisha Shah, i/b. Kalpesh Joshi Associates,  
S/624/2016 ) Advocates for Defendant Nos. 2 and 10.  
) )  
) ) Mr. R.S. Bidkar, a/w. Mr. Satchit Bhogle, i/b.  
) ) Hariani & Co., Advocates for Defendant Nos. 1, 5  
) ) and 9.  
) )  
) ) Mr. Sadanand M. Kamtam, Advocate for Defendant  
) ) Nos. 11 and 12.  
) )  
) ) **P.C.:** On last occasion, when matter appeared on  
) ) board, Conditional Order was passed, directing  
) ) Defendant Nos. 1, 2, 5 to 7, 9 to 13 were directed to  
) ) file Written Statement till today, failing Suit against  
) ) Defendant Nos. 1, 2, 5 to 7, 9 to 13 will be  
) ) transferred to the list of Undefended Suits. Despite  
) ) that, neither Defendant Nos. 6, 7 and 13 are present  
) ) nor filed Written Statement. In view thereof, Suit  
) ) against Defendant Nos. 6, 7 and 13 is transferred to  
) ) the list of Undefended Suits.  
) )  
) ) The Ld. Advocates for Defendant Nos. 1, 5, 9, 11  
) ) and 12 applies time to file Written Statement, for  
) ) which the Ld. Advocate for the Plaintiffs objected.  
) )  
) ) However, in the interest of justice, by way of last  
) ) chance, time is granted to Defendant Nos. 1, 5 and 9  
) ) to file Written Statement, subject to payment of cost  
) ) of Rs. 5,000/-, which is condition precedent, to be  
) ) paid to the Plaintiffs within two weeks from today,  
) ) failing Suit against Defendant Nos. 1, 5 and 9 will  
) ) be transferred to the list of Undefended Suits. Also,  
) ) by way of last chance, time is granted to Defendant  
) ) Nos. 2 and 10 to file Written Statement, subject to  
) ) payment of cost of Rs. 3,000/-, which is condition  
) ) precedent, to be paid to the Plaintiffs within two  
) ) weeks from today, failing Suit against Defendant

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Contd...	)	Nos. 2 and 10 will be transferred to the list of
44. S/624/2016	)	Undefended Suits. So also, by way of last chance,
with	)	time is granted to Defendant Nos. 11 and 12 to file
NMS/1857/2016	)	Written Statement, subject to payment of cost of Rs.
S/624/2016	)	2,000/-, which is condition precedent, to be paid to
	)	the Maharashtra State Legal Services Authority
	)	within two weeks from today, failing Suit against
	)	Defendant Nos. 11 and 12 will be transferred to the
	)	list of Undefended Suits. If cost is paid, time is
	)	granted to Defendant Nos. 1, 2, 5, 9, 10, 11 and 12
	)	to file Written Statement till 06.09.2017, failing Suit
	)	against Defendant Nos. 1, 2, 5, 9, 10, 11 and 12 will
	)	be transferred to the list of Undefended Suits.
	)	
	)	The Ld. Advocate for the Plaintiffs submits that
	)	when attempts were made to serve Defendant Nos. 3
	)	and 4, the packets returned back with postal remark
	)	“Closed” and service against Defendant Nos. 8 and
	)	14 is awaited.
	)	
	)	In view thereof, Plaintiffs to again take steps to
	)	serve with Writ of Summons upon unserved
	)	Defendants under 445 of O.S. Rules through Sheriff
	)	of Mumbai and to file Affidavit of Service to that
	)	effect on or before 06.09.2017, failing Suit against
	)	unserved Defendants will be dismissed for non-
	)	compliance of O.S. Rule 87. Office to issue fresh
	)	Writ of Summons, if required. The returnable date
	)	is extended till 06.09.2017.

19-06-2017

**Prothonotary and Senior Master**