

**Before : Sachin B. Bhansali,
Prothonotary & Senior Master
Date : 08th March, 2024**

FOR DIRECTION :

7 S/294/2023) None present for the plaintiff.
with)
connected matter) Mr. Rahul Deshpande i/b. Wadia Ghandy and
) Company, Advocate for defendant no. 6.
)
) PC. : The record shows that Vakalatnamas for and
) on behalf of defendant nos. 6 and 8 are filed
) on record with instructions, to appear, act and
) plead on behalf of these defendants.
)
) This Hon'ble Court vide paragraph no. 4 of
) Order dated 21.02.2018 passed in Notice of
) Motion No. 920/2014 in Suit No. 60/1998 in
) case of M/s. Prime Builders Vs. Suman
) Bagwe and ors. has observed as under :
)
) "Para 4 :
) proof of service of writ of
) summons may be dispensed with if the
) circumstances of the case show that the
) defendant not only had notice of the suit but
) in fact appeared in the suit, even if such
) appearance be in a miscellaneous proceeding
) arising in the course of the suit."
)
) So also, this Hon'ble Division Bench of this
) Court in case of Meena Ramesh Lulla & Ors.
) Vs. Omprakash Alreja & Ors. (Appeal No. 616
) of 2011 with Notice of Motion No. 2813 of
) 2011 in Notice of Motion 1819 of 2011 in Suit
) No. 4577 of 2000 decided on 21st September
) 2011) observed that when Vakalatnama on
) behalf of defendant is filed on record, service
) of Writ of Summons is not required to be
) effected.
)
) As defendant nos. 6 and 8 have already
) appointed Advocates on their behalf,
) requirements of provisions of O.S.Rule 84 and
) aforesaid Judgments of this Hon'ble Court
) have been complied with. Therefore, Writ of

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contd....	)	Summons is not required to be served upon
S/294/2023	)	defendant nos. 6 and 8 in the present matter.
with	)	
connected matter	)	Defendant nos. 6 and 8 to file written
	)	statement on or before next date, failing suit
	)	against these defendants will be transferred to
	)	the list of Undefended Suits.
	)	
	)	The plaintiff to take steps to serve rest of the
	)	defendants with Writ of Summons and file
	)	affidavit of service till next date, failing suit
	)	against rest of the defendants will be
	)	dismissed for non-compliance of O.S.Rule 87.
	)	Office to issue fresh Writ of Summons, if
	)	required. The plaintiff to comply directions
	)	issued, vide Practice Note 60A.
	)	
	)	Stand over to 05.04.2024.

Date : 08.03.2024

Prothonotary and Senior Master

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