

Before : Shri D.V. Sawant  
Prothonotary & Senior Master  
Date : 21<sup>st</sup> June, 2017

FOR DIRECTION :

17 COMS/46/2014 ) Mr. Dilip Mishra I/b. S. P. Bharti,  
) Advocate for Plaintiffs.  
)  
) P.C.: Advocate for Plaintiffs submits that  
) when attempt was made to serve  
) Defendant Nos. 4 and 5, packet returned  
) back with postal remarks "Intimation  
) Posted" with regard to Defendant No. 4,  
) which is good service and service against  
) Defendant No. 5 is awaited as per  
) Affidavit of Service dtd. 26.04.2017.  
)  
)  
) Despite service, neither appearance nor  
) written statement is filed on behalf of  
) Defendant No. 4. Suit against  
) Defendant No. 4 is transferred to the list  
) of Undefended Suits.  
)  
)  
) As far as Defendant No. 5 is concerned,  
) Plaintiffs to make an enquiry with the  
) concerned Postal Authority through the  
) Sheriff and file Affidavit of Service till  
) 21.07.2017, failing Suit against  
) Defendant No. 5 will be dismissed for  
) non-compliance of O.S.Rule 87.  
)  
)  
) So also, time is granted to Plaintiffs to  
) take steps to serve with writ of  
) summons upon Defendant No. 5  
) **personally through Bailiff of the**  
) **Sheriff under the provision of**  
) **O.S.Rule 84** and to file Affidavit of  
) Service till 21.07.2017, failing Suit  
) against Defendant No. 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

2        **Before : Shri D.V. Sawant**  
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contd...                                    )  
      COMS/46/2014                    )  
  )  
  )        on board one week well in advance. The  
  )        returnable date is extended till  
  )        21.07.2017.

Date : 21.06.2017

Prothonotary & Senior Master.