

Before : Shri D.V. Sawant
Prothonotary & Senior Master
Date : 22nd November, 2016

FOR DISMISSAL :

10	COMS/60/2015	)	Mr. Jagdish Shukla i/b. Singh Diwakar
	S/990/2015	)	Ramashray, Advocate for Plaintiffs.
	with	)	
	NMCD/16/2015	)	P.C. : It appears that on 10.10.2016 aforesaid
	S/990/2015	)	Suit was converted in Commercial Suit
		)	and Plaintiffs were directed to take steps
		)	to serve Defendants through Sheriff till
		)	15.11.2016, failing Suit against
		)	Defendants will be dismissed for non-
		)	compliance of O.S.Rule 87.
		)	
		)	When matter on board on 15.11.2016,
		)	since no steps have been taken by
		)	Plaintiffs, again time was granted to
		)	Plaintiffs to take steps to serve
		)	Defendants till today, by making it clear
		)	that if steps are not taken to serve
		)	Defendants, Suit against Defendants will
		)	be dismissed for non-compliance
		)	O.S.Rule 87.
		)	
		)	Today, Advocate for Plaintiffs submits
		)	that on 18.11.2016 Praecipe was filed
		)	with the Sheriff and produced copy of
		)	same, which is taken on file.
		)	Accordingly, Advocate for Plaintiffs
		)	submits that service is awaited.
		)	
		)	In that view of the matter, since
		)	aforesaid Suit is Commercial Suit, if
		)	service is not effected, personal attempt
		)	is required to be made under the
		)	provision of O.S.Rule 84 with the
		)	representative of the Plaintiffs along
		)	with bailiff of Sheriff.

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contd...	)	By way of last chance, time is granted to
COMS/60/2015	)	Plaintiffs to take steps to serve with writ
S/990/2015	)	of summons upon Defendants by
with	)	appointing representative of the
NMCD/16/2015	)	Plaintiffs along with Bailiff of Sheriff
S/990/2015	)	under the provision O.S.Rule 84 and file
	)	Affidavit of Service till 06.12.2016,
	)	failing Suit against Defendants 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
	)	06.12.2016.
	)	
	)	In the event, request is made, Sheriff to
	)	depute Bailiff for personal service
	)	alongwith representative of the
	)	Plaintiffs.
	)	
	)	Since aforesaid matter is Commercial,
	)	service by way of electronic mode i.e. e-
	)	mail and fax is allowed.

Date : 22.11.2016

Prothonotary & Senior Master.