

Before : Sachin B. Bhansali  
Prothonotary and Senior Master

Date : 11<sup>th</sup> January, 2023

**FOR DIRECTION :**

28. S/265/2022 ) Ms. Sweta Moghe, Advocate for the Plaintiff.  
)  
)  
) Ms. Anushka Panchmatia, i/b. MDP and Partners,  
) Advocates for Defendant Nos. 2, 6, 7 and 9.  
)  
)  
) **PC.:** The Ld. Advocate for the Plaintiff submits that  
) all Defendants, except Defendant Nos. 3, 4 and 8, are  
) served with writ of summons in the month of August,  
) 2022. The Ld. Advocate for the Plaintiff further  
) submits that packets sent to Defendant Nos. 3 and 4,  
) returned with postal remark “Refused”, which is good  
) service and packet sent to Defendant No. 8, returned  
) with postal remark “Unclaimed”, which is also good  
) service.  
)  
) Affidavit of Service filed on 02.12.2022 shows that all  
) Defendant Nos. 1, 2, 5, 6, 7 and 9 to 11 are served with  
) writ of summons on 25.08.2022 and when attempt was  
) made to serve Defendant Nos. 3 and 4, the packets  
) returned back with postal remark “Refused” on  
) 07.09.2022 and 26.08.2022 respectively. It further  
) shows that packet sent to Defendant No. 8, returned  
) with postal remark “Unclaimed”.  
)  
) The Hon’ble Court, vide Judgment and Order dated  
) 07.12.2022, in the matter of Forest Realty Vs. Taksha  
) Spaces Pvt. Ltd. and Ors., observed that when the  
) packet is returned with the remark “Unclaimed”, the  
) same amounts to good service. In view of said  
) observations, in the present case, writ of summons is  
) deemed to be served upon Defendant No. 8.

Contd...  
S/265/2022

) The Ld. Advocate appearing for Defendant Nos. 2, 6, 7  
) and 9 seeks time to file Written Statement, to which  
) the Ld. Advocate for the Plaintiff objected on the  
) ground that prescribed time to file written statement  
) has already lapsed.

)  
) As per Order VIII Rule 1 of CPC, period for filing  
) written statement is 30 days and on showing sufficient  
) cause / grounds, the same can be extended upto 90  
) days. For the said extension, Defendants have to show  
) sufficient reasons. Considering the fact that period of  
) 90 days has also been over and there is no sufficient  
) reason shown by Defendant Nos. 2, 6, 7 and 9 to  
) extend time to file written statement, I have no other  
) alternative but to transfer the Suit against these  
) Defendants to the list of Undefended Suits.

)  
) None appeared on behalf of Defendant Nos. 1, 3 to 5  
) and 10 to 12. Till date, these Defendants have also not  
) applied for extension of time to file written statement.

)  
) Hence, Suit against Defendant Nos. 1 to 7 and 9 to 12  
) is transferred to the list of Undefended Suits.

)  
) Defendant No. 8 to file Written Statement within  
) prescribed time, as provided under Order VIII Rule 1 of  
) CPC, 1908, failing Suit against Defendant No. 8 will be  
) transferred to the list of Undefended Suits.

)  
) Stand over to 08.02.2023.

11-01-2023

Prothonotary and Senior Master

JYOTI  
S  
BIDYE

Digitally signed  
by JYOTI S  
BIDYE  
Date:  
2023.01.12  
18:43:58 +0530

2 of 2