

**Before: Shri D.V. Sawant**  
**Prothonotary & Senior Master.**  
**Date: 4<sup>th</sup> August, 2017**

**CALLED OUT FOR WRITTEN STATEMENT :**

29. S/2335/2012 ) Ms. Kanizz Munjee, i/b. S. Mahomedbhai, Advocate  
with ) for the Plaintiffs.  
NMS/2250/2012 )  
S/2335/2012 ) Mr. Sachin Kanse, i/b. PRS Legal, Advocates for  
) Defendant No. 5.  
) )  
) **P.C.:** On last occasion, when matter appeared on  
) board on 03.05.2017, Conditional Order was passed,  
) directing Defendant No. 7 to file Written Statement till  
) today, failing Suit against Defendant No. 7 will be  
) transferred to the list of Undefended Suits. Despite  
) that, today, neither Defendant No. 7 is present nor  
) filed Written Statement. In view thereof, Suit against  
) Defendant No. 7 is transferred to the list of  
) Undefended Suits.  
) )  
) The Ld. Advocate for the Plaintiffs submits that when  
) attempt was made to serve upon unserved Defendant  
) No. 4, the packet returned back with postal remark  
) "Left" and Affidavit of Service is already on file. Th  
) Ld. Advocate for the Plaintiffs do not have any other  
) alternative address of Defendant No. 4 and the address  
) mentioned in the cause title is the last known address  
) of Defendant No. 4. The Ld. Advocate for the  
) Plaintiffs therefore, seeks and permitted to serve upon  
) Defendant No. 4 with Writ of Summons by way of  
) Substituted Service under the provision of Order V  
) Rule 17 and 20 of C.P.C. 1908 by publishing the  
) extract of the Writ of Summons at last known address  
) in (1) two daily local newspapers viz. one in English  
) and another in vernacular language widely circulated  
) at last known address shown in the Plaint (2) by  
) affixing true copy of Writ of Summons on the Notice  
) Board provided for, of this Hon'ble High Court (3) by  
) sending duplicate Writ of Summons at the residence of  
) Defendant No. 4 by Registered A.D. Office to issue  
) fresh Writ of Summons, if required. The returnable  
) date is extended till 31.10.2017.