

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.5093 OF 2022
IN
COMMERCIAL SUMMARY SUIT NO.391 OF 2016**

IFCI Factors Limited

... Applicant
(Org. Plaintiff)

In the matter of :

IFCI Factors Limited

... Plaintiff

Vs.

Amar Remedies Ltd. & Ors.

... Defendants

Ms. Anubha Rastogi a/w Ms. Rachita Padwal & Ms. Shikha Nambiar for the
Applicant/ Original Plaintiff.

CORAM : ARIF S. DOCTOR, J.

DATE : 04TH JANUARY 2023

P.C. :

1. By the present Interim Application, the Applicant (original Plaintiff in Commercial Summary Suit No.391 of 2016) seeks leave of this Court to allow the Applicant to serve Defendant Nos.2 and 3 by way of substitute service.

2. The Interim Application sets out that the Writ of Summons was sent to all the Defendants through the Bailiff, however neither the

acknowledgment card nor the packet containing the Writ of Summons sent to Defendant Nos.1 and 2 returned to the office of the Bailiff.

3. The Interim Application further sets out that the packet containing the Writ of Summons sent to Defendant No.3 was duly returned to the office of the bailiff on 03/03/2017 with remark 'unclaimed'. There is an Affidavit of Service of Bailiff dated 17/04/2017 to this effect.

4. The learned Counsel submits that Defendant Nos.2 and 3 have failed to appear before this Court, either in person or through Advocates.

5. I have heard learned Counsel as also perused the Interim Application and I am satisfied that the same deserves to be allowed in the interest of justice.

6. Therefore, the Interim Application is allowed in terms of prayer clause (a), which reads as under :-

"a. This Hon'ble Court be pleased to allow the Applicant to do substituted service via to Defendant No 2 & 3 via Publication."

7. The Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)