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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL SUIT NO. 127 OF 2021
WITH
INTERIM APPLICATION NO. 1670 OF 2021
WITH
INTERIM APPLICATION NO. 7139 OF 2025**

Siddhi Raj Housing Projects ... Plaintiffs/Applicants
Private Limited and Another
Vs.
Four D Buildcon Pvt. Ltd. ... Defendant

Ms. Vaishnavi Dhure i/b. Mr. Amir Arsiwala for the Plaintiff
No. 2.

Mr. Kunal Dwarkadas a/w. Mr. Mustaqueem Bi/b. Wadia
Ghandy & Co. for Defendant.

CORAM : GAURI GODSE, J.

DATE : 20th JANUARY 2026

ORDER :

1. Pursuant to order dated 12th January 2026 a fresh report dated 19th January 2026 is placed on record. As per the said report there is neither any Rule nor any practice note which permits service of court notice personally or by post through the office peon.

2. The mode of service of summons is provided under Rule 76 of Chapter VI of the Bombay High Court (Original Side) Rules. The said rules state that an acknowledgment

purporting to be signed by the defendant or an endorsement by a postal servant that the defendant refused service shall be deemed to be prima facie proof of service. The Rule further provides that in all other cases, the court shall hold such inquiry as it thinks fit and either declare the summons to have been duly served as may in its opinion be necessary.

3. In a commercial suit the right of defendant stands forfeited on expiry of 120 days from the date of service of writ of summons. Hence, it is the duty of the Sheriff's office to verify whether the postal packet containing the writ of summons alongwith copy of the plaint and its annexures is seen to have been received by the defendants.

4. Copy of this order shall be forwarded to the learned Deputy Sheriff for verifying and filing proper service report as required under the rules. Learned Deputy Sheriff shall verify whether in all the matters before affirming service affidavit by the concerned bailiff all these aspects are verified and whether the service affidavits are prepared by the concerned bailiffs.

5. Office is directed to issue notice through the Sheriff's office as per order dated 24th November 2025.

6. Notice is made returnable on 23rd February 2026.
7. Copy of this order shall be forwarded to the learned Deputy Sheriff.

[GAURI GODSE, J.]