

Advocate for the Appellants/Applicants to remove office objections, which directions fall on deaf ears. The Advocates on record remove office objections in their own sweet time. The Office is therefore, unable to number the Appeals/Applications for months together.

(ii) Again after the objections are removed and the Appeals/Applications are numbered and notice before Admission is directed by the Court, as per the Bombay High Court Appellate Side Rules, it is the Court Office which is required to serve the proceedings on the Respondents and private notice can be effected on the Respondents only if the Presiding Judge gives a specific direction to this effect. To enable the Office to effect private service, the Advocate for the Appellants/Applicants are required to provide copies of the Appeals/Applications to the Court Office. Again this is not done by the Advocates despite repeated directions by the Court/Registry and such Appeals/Applications cannot be placed on board for Admission, unless service is effected on all the Respondents. The service by the Court Office is also delayed because there are several instances of the address of the Respondents provided to the Court Office being incomplete. Even in cases where the Court had directed private service, either the Advocate has not bothered to effect private service or is not ready with the affidavit proving service. In cases where the Advocates have received intimation that the private service could not be effected in view of the Respondents not being found at the given address, the Advocates do not even move an Application seeking substitute service.

2. For the above reasons, two thousand Second Appeals and a few hundred Misc. Civil Applications are pending before this Court for Admission, some of them since the year 2013.

3. I am therefore of the view that the need of the hour is not only to pass stern orders in such matters, but to amend the Bombay High Court Appellate Side Rules and make private service on the Respondents mandatory, in addition to the service by the Court Office.

4. In the above Second Appeal, objections were raised by the office on 2nd January, 2017. The Registrar (Judl.-II) on 24th March, 2017 granted three weeks time to remove objections though none appeared for the Appellant. The order dated 24th March, 2017 was not complied with. Again on 17th April, 2017 none appeared for the Appellant, however the Registrar (Judl.-II) granted three weeks time as a last chance to remove objections. Even today none appear for the Appellant and the order dated 17th April, 2017 is not complied with till date. In view thereof, the above Second Appeal is dismissed.

5. A copy of this order shall be forthwith forwarded to the Hon'ble the Chief Justice / Administrative Committee for appropriate action.

(S.J.KATHAWALLA, J.)