

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

2 FIRST APPEAL NO.1118 OF 2016

THE STATE OF MAH THR COLLECTOR AND ORS  
VERSUS  
SITUBAI SHIVAJI VASAVE

CORAM: H.M.BHOSALE  
REGISTRAR (JUDL)

DATED: 11 / 06 /2019

1. The sole respondent is not served and the notice returned unserved with an endorsement “not residing on the given address”. Thereafter, office has notified this fact on 04/02/2019. Thereafter also, the learned Advocate for the appellants did not take any steps.

2. By virtue of provisions under Chapter VII Rule 6 Sub rule (1)(d), when the notices have been returned unserved, a party or his Advocate is expected to take steps within one month for issue of fresh notice. The sub clause (e) further provides consequences for not taking the steps. It provides that if the party or his Advocate fails to take steps to issue fresh notice, Registrar shall dismiss the matter for failure to prosecute.

3. Having considered inaction on the part of Advocate for the

appellants and the aforesaid provisions under the Bombay High Court Appellate Side Rules, 1960, it would be just and proper to dismiss the appeal. In turn, I pass following order.

**ORDER**

The appeal stands dismissed for want of prosecution.

REGISTRAR (JUDL)