

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 SECOND APPEAL NO.406 OF 2000

SUSHILKUMAR KANWALSING JAIN
VERSUS
MANAGING DIRECTOR, VIDEOCON INTERNATIONAL LTD.
AND OTHERS

...
CORAM: H.M.BHOSALE
REGISTRAR (JUDL)

DATED: 23/02/2022

1. None present. Notices of respondent Nos. 1 to 3 have been returned unserved as address is incorrect. The bailiff has submitted report on 27.09.2010. Since last more than ten years, no steps have been taken to provide fresh address to serve the respondents or re-issue notice to them. It indicates that the appellant and his Advocate have least interest to proceed with the second appeal.

2. Here Chapter VII Rule 6 (1)(d) of the Bombay High Court Appellate Side Rules, 1960, may be conveniently referred, which provides procedure where notice is returned unserved. It provides that when the notices have been returned unserved, the party or his Advocate shall, within one month of the publication of the list, take the requisite steps for the issue of fresh notices. Sub clause (e) further provides that on failure of the appellant or his Advocate to take steps to issue notices, the Registrar shall dismiss the matter for failure to prosecute against the unserved respondents.

3. In the circumstances, it will be just and appropriate to

dismiss the appeal against Respondent Nos. 1 to 3. In turn, following order is passed.

ORDER

Second Appeal No. 406 of 2000 is dismissed against Respondent Nos. 1 to 3 for want of prosecution.

REGISTRAR (JUDL)