

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10176 OF 2010

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
Advocate Mrunmayeee Khambete i/b. Ajay A. Joshi, Advocate for the petitioner is present. CORAM : H. M. BHOSALE REGISTRAR (JUDL-I) Date : 21/07/2023 Assistant Section Officer, Mrs. R. V. Kulkarni has submitted office report which is marked as 'X' showing status of the served and unserved Respondents. Notices issued to the Respondent Nos. 1 and 10 are returned unserved as the Respondent No. 1 is not traceable and address of the Respondent No. 10 is incomplete and incorrect. On the last occasion, i.e., on 05/07/2023, Advocate Ms. Pranai Railkar i/b. Ajay A. Joshi, Advocate for the Petitioner was present. She had undertaken to furnish correct address of the Respondent Nos. 1 and 10 within a short period. Therefore though the Petition is pending from the year 2010, two weeks time was granted to the Advocate for the Petitioner to provide correct address of the Respondent Nos. 1 and 10 with direction that on failure, appropriate order will be passed on the next date.	

It is pertinent to note that despite specific directions, no steps are taken.

Here reference to Chapter XVII Rule 8 (iii) (c) and (d) of the Bombay High Court Appellate Side Rules, 1960 may conveniently be made. As per Rule 8(iii) (c) of Chapter XVII, a party or the Advocate within 21 days shall take necessary steps for getting the notice served where it has been returned unserved, or to get it properly served as required under Rules 20, 20-A and 21-A of Order V of the Code of Civil Procedure, 1908, where it is not properly served.

As per sub-rule (d) of Rule 8(iii) of Chapter XVII, if no steps are taken, the office shall forthwith place the matter before the Registrar and the Registrar shall dismiss the matter for failure to prosecute.

Having considered two material facts viz., (i) Writ Petition is filed in the year 2010 (ii) though on the last occasion, the learned holding advocate had made statement to take steps, no steps are taken, it would be just and proper to dismiss the petition against Respondent Nos. 1 and 10 for failure to prosecute.

In turn, Writ Petition stands dismissed as against Respondent Nos. 1 and 10 for failure to prosecute by virtue of the powers conferred upon the Registrar under Chapter XVII Rule 8(iii) (d) of the Bombay High Court Appellate Side Rules, 1960.

Office to take necessary entries in
the CIS system and proceeds further
accordingly.

Sd/-
Registrar (Judicial-I)