

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

**First Appeal No. 1517 of 2016 a/w
C.A.F. NO. 4421 OF 2016**

Office Notes, Office Memoranda of Coram, Court's or Judge's orders
appearance, Court's orders or directions and
Registrar's orders

CORAM : S. R. AGRAWAL
REGISTRAR (JUDL.II)

Date : 06/09/2023.

Adv. Tanaya Goswami, AGP present
for Appellant.

As per Bailiff's Report dated
20/11/2021, notice of Sole Respondent is
returned unserved with remark "dead on
08/04/2021"

The above numbered First Appeal along
with civil application are listed on the board of
Registrar for third time. Already four weeks
time was granted. However, despite of
granting four weeks time, Advocate for the
Appellant has not taken any steps regarding
the deceased Sole Respondent till date.

Here reference to Chapter VII Rule 6
Sub rule 1 & 2 of the Bombay High Court,
Appellate Side Rules, 1960 [for short "Rules"]
may be conveniently made. It states about
Processes, Process fees, Printing charges,
Security for costs and other procedure after
admission etc.

In view of provisions under Chapter VII,
Rule 6 (2), in cases where 90 days have
elapsed from the reported death of any of the
parties to the appeal and no action has been
taken by the appellant to bring the heirs of the
deceased party on record the matter shall be
placed before the Registrar for orders
regarding the abatement of the appeal as

against the deceased party as soon as possible.

The prescribed time to bring on record the heirs of the deceased Sole Respondent provided under Rules 1960 has been expired. 04 weeks time was granted, but all in vain. The matter is lying ideally without any progress due to not taken any steps. However, instead of passing order of dismissal outrightly, it would be just and proper to give one opportunity to take steps regarding deceased Sole Respondent.

In turn, two weeks time is granted with directions to take steps regarding deceased Sole Respondent without fail. On failure, First Appeal along with civil application would stand abated against deceased Sole Respondent, without further reference to the Court of Registrar.

Sd/-

REGISTRAR (JUDL-II)

