

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

First Appeal No. 1074 of 1992.

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

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

Date : 03/10/2023.

Adv. Pranjali Khemnar i/by
Adv. Amit Karkhanis present for Appellant.

The above numbered First Appeal is listed on the board of Registrar for second time for not taking steps against unserved Sole Respondent. As per Hon'ble Court's order dt. 20/02/2023 notice issued to sole respondent on 05/07/2023 is returned unserved with remark as "left premises" as per bailiff's report dt. 28/07/2023. Learned Advocate for Applicant neither taken steps nor supplied proper and correct address of Sole Respondent. Till date the learned Advocate for Appellant has not filed his vakalatnama on behalf of the Appellant in the aforesaid matter. Already 02 weeks time was granted, however, despite granting 02 weeks time, the learned Advocate for the Appellant has not taken any steps against unserved 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 (1) (e), Immediately after the expiry of the period prescribed under the foregoing sub-rule of this rule for taking the requisite steps for the issue of fresh notice or for supplying postal stamps to cover the postal and registration charges, the office shall place before the Registrar all such matters in which steps have not been taken for the issue of fresh notices or the postal stamps to cover the postal and registration charges have not been supplied within the prescribed time, and the Registrar shall dismiss the matter for failure to prosecute. :

The prescribed time to take steps against unserved Sole Respondent provided under Rules 1960 has been expired. 02 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 against unserved Sole Respondent.

The learned Advocate Mr. Amit Karkhanis is directed to file his vakalatnama on behalf of Appellant within two weeks without fail.

In turn, two weeks time is granted with directions to take steps against unserved Sole Respondent without fail. On failure, First Appeal will stand dismissed against unserved Sole Respondent, without further reference to the Court of Registrar.

Sd/-

REGISTRAR (JUDL-II)

