

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

SECOND APPEAL NO.372 OF 1993

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
CORAM : <u>S.R. AGRAWAL</u> <u>REGISTRAR (JUDL. - II)</u> DATE : 12th June, 2023 None Present. Perused. As per Court's order dated 04/07/2019, it is found that the learned Counsel for the Appellant has passed away. Hence, Court Service Notice was issued to the Sole Appellant, however, the same is returned unserved with Bailiff's report dated 27/12/2022 with remark "reported to be dead on 11/02/2022". This information is given by the resident of Malegaon Camp, Shri Manoj Pundlik Shirke alongwith the Death Certificate dated 18/02/2022 of the deceased Sole Appellant. The above numbered Second Appeal is listed on the board of Registrar for third time. Already six weeks time has been granted, however, despite granting six weeks time, no any step has been taken regarding the deceased Sole Appellant.	

Here reference to Chapter VII Rule 6 sub rule 1 and 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 Appellant provided under Rule 1960 has been expired. 06 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 abatement outrightly, it would be just and proper to give one opportunity to take steps regarding deceased Sole Appellant.

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

sd/-
Registrar (Judl. - II)