

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

INTERIM APPLICATION NO.4410 OF 2023
IN
FIRST APPEAL (ST) NO. 13157 OF 2023

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

Court's or Judge's order

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

DATE : 07/12/2023

Adv. Aniket Nangare i/b Adv. N.V. Bhutekar
present for the Applicant.

The above numbered Interim Application is listed on the board of Registrar for three times for not taking steps against unserved Respondent Nos.1 & 2. Learned Advocate for Applicant has neither taken steps nor supplied proper & correct address of the Respondent. Already 04 weeks time was granted. However, despite of granting 04 weeks time, the Learned Advocate for the Applicant has not taken any steps against the unserved Respondent Nos.1 & 2.

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 supplying 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 Respondent Nos.1 & 2 provided under Rule 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 against unserved Respondent Nos.1 & 2.

In turn two weeks time is granted with directions to take steps against unserved Respondent Nos.1 & 2 without fail. On failure, the Interim Application will stand dismissed against unserved Respondent

Nos.1 & 2 without further reference to the
Court of Registrar.

Sd/-

REGISTRAR (JUDL-II)
High Court, Appellate Side,
Bombay

ppg/sra (07/12/23)