

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.215 OF 2020
IN
SECOND APPEAL ST. NO.24278 OF 2018

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 : 23rd March, 2023 Advocate Mohan Devkule Present on behalf of Shri Rakesh Bhatkar, Advocate for the Applicant. As per Bailiff's report dated 15/11/2022, Notice of Respondent No.1 is returned unserved with remark "dead on 30/05/2014". This information is given by Mr.Ashiyan Plasterwalla and Mr.Abid Ali. The above numbered Second Appeal is listed on the board of Registrar fourth time. Already six weeks time has been granted, however, despite granting six 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 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 Respondent 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 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, Second Appeal would stand abated against deceased Sole Respondent, without further reference to the Court of Registrar.

sd/-
Registrar (Judl. - II)