

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

SECOND APPEAL NO.895 OF 2002

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 : 18th January, 2024 None Present. The Hon'ble Court vide order dated 20/06/2023 has directed to issue notice to Respondents, returnable on 26/07/2023. Likewise, the Hon'ble Court also permitted to Appellant to serve the Respondent by private notice and shall file Affidavit of Service before returnable date. The matter was placed on the board of Registrar on 11/12/2023 and 03/01/2024 for supplying copies and to file Affidavit of Service of notice alongwith postal acknowledgment of receipt. However, the learned Advocate for Appellant neither supplied copies for issuance of notices to Respondents nor filed affidavit of private service of notice.	

Here reference to Chapter VII 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 2(iii) matters to be dismissed for non-prosecution in case of default of payment of process fees and failure to **supply copies** - immediately after the expiry of the time prescribed in the foregoing sub-rules of this rule for the supply of copies, the office shall place before the Registrar all such matters in which the process fees have not been paid and/or the copies have not been supplied within the prescribed time, and the Registrar shall dismiss all such matters for failure to prosecute.

As such, the prescribed time to supply copies as 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 want of any steps i.e non supply of copies for issuing notices to Respondents.

In such circumstances, instead of passing order of dismissal outrightly, it would be just and proper to give one more opportunity to

supply the necessary copies.

In turn, two weeks time is granted with directions to supply the necessary copies and to file affidavit of private service of notice, without fail. On failure, Second Appeal would stand dismissed, without further reference to the Court of Registrar.

sd/-
Registrar (Judl. - II)

dsm