

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

INTERIM APPLICATION NO. 3995 OF 2021
IN
FIRST APPEAL (STAMP) NO. 2242 OF 2021

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 : 29/01/2024

None Present

The Notices issued to the Respondent Nos. 1 and 2 are returned unserved with Bailiff's remark as "expired, 2 and 3 years ago respectively".

The above numbered Interim Application is listed for third time on the board of Registrar. Already four weeks time was granted. However, despite of granting four weeks time, advocate for the applicant has not taken any steps regarding the deceased respondent Nos. 1 and 2 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 (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 respondent Nos. 1 and 2 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 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 respondent Nos. 1 and 2.

In turn, two weeks time is granted with direction to take steps regarding deceased respondent Nos. 1 and 2 without fail. On failure, Interim Application as well as First Appeal (ST) will stand abated against deceased respondent Nos. 1 and 2 without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)

sat-R(J-II)-29.01.2024