

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

Interim Application No. 4035 of 2021 a/w
Interim Application No. 4034 of 2021
in
First Appeal (st) No. 9477 of 2021.

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

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

Date : 28/02/2024.

Adv. Kiran Shinde, AGP present for
Applicant.

As per Bailiff's Report dated 10/10/2023,
notice of sole Respondent is returned unserved
with remark "dead on 22/10/2022"

The above numbered interim applications
are listed on the board of Registrar for third
time. Already four weeks time was granted.
However, despite of granting four 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 & 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 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 sole respondent.

In turn, two weeks time is granted with directions to take steps regarding deceased sole respondent without fail. On failure, both interim applications as well as First Appeal would stand abated against deceased sole respondent, without further reference to the Court of Registrar.

Sd/-

REGISTRAR (JUDL-II)

sat-R(J-II)-28.02.2024

