

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

First Appeal No. 396 of 2023.

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 : 29/02/2024.

Adv. Aniket Nangare i/by Adv. N. V.
Bhutekar present for Appellant.

It appears from the record that, the notice issued to Respondent Nos. 1 to 5 returned unserved. Thereafter, the matter is listed on the board of Registrar for three times. The learned advocate for the appellant was directed to supply proper and correct address and take appropriate steps for service of notice upon Respondent Nos. 1 to 5. However, the learned advocate for the applicant has neither taken steps nor supplied proper and correct address of Respondent Nos. 1 to 5.

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 for supplying postal 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. :

As such the prescribed time to take steps against unserved 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. In these circumstances, 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 to 5.

In turn, two weeks time is granted with directions to take steps against unserved Respondent Nos. 1 to 5 without fail. On failure, First Appeal will stand dismissed against unserved Respondent Nos. 1 to 5, without further reference to the Court of Registrar.

Sd/-

REGISTRAR (JUDL-II)