

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

FIRST APPEAL NO. 674 OF 2024

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 : 22/08/2024

Adv. Dhanlaxmi i/by Adv. A.M. Gokhale present for the Appellant

The notice issued to respondent No. 4 is returned unserved. Therefore, the above numbered First Appeal is listed on the board of registrar for second time for taking steps against unserved respondent No. 4. However, the learned advocate for the appellant has neither taken steps nor supplied proper and correct address of respondent No. 4.

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 or 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 respondent No. 4 as provided under Rule 1960 has been expired. 03 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 against unserved respondent No. 4.

In turn, two weeks time is granted with directions to take steps against unserved respondent No. 4 without fail. On failure, the First Appeal would stand dismissed against unserved respondent No. 4 without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)

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DATE : 22/08/2024

Adv. Dhanlaxmi i/by Adv. A.M. Gokhale present for the
Appellant

As per Bailiff's Report dated 25/06/2024,
Notice of respondent No. 3 is returned unserved with
remark "expired"

The above numbered First Appeal is listed for
second time on the board of Registrar for taking steps
to bring the legal representatives of the deceased
respondent No. 3 on record. Already 03 weeks time
was granted. However, despite of granting 03 weeks
time, the learned Advocate for the Appellant has not
taken any steps for bringing the legal representatives of
deceased respondent No. 3 on record.

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.

As such, the prescribed time to bring on record the legal representatives of the deceased respondent No. 3 as provided under Rules 1960 has been expired. 03 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 abatement outrightly, it would be just and proper to give one opportunity to take appropriate steps for bringing on record the legal representatives of deceased respondent No. 3, if any .

In turn, two weeks time is granted with direction to take appropriate steps for bringing the legal representatives of deceased respondent No. 3, if any on record. On failure, the Proceeding would stand abated against deceased respondent No. 3 without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)