

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

INTERIM APPLICATION NO. 378 OF 2024
IN
FIRST APPEAL (STAMP) NO. 34488 OF 2023

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 : 18/10/2024

Adv. Shweta Marathe i/by Jay and Co. Present for the Appellant

As per Bailiff's Report dated 12.06.2024, Notice of respondent No. 1A is returned unserved with remark "expired"

The above numbered Interim Application is listed for second time on the board of Registrar for taking steps to bring the legal representatives of deceased respondent No. 1A on record. Already three weeks time was granted. However, despite of granting three weeks time, learned Advocate for the Applicant has not taken any steps for bringing the legal representatives of deceased respondent No. 1A on record.

In view of provisions under Chapter VII, Rule 6 (2) of the Bombay High Court, Appellate Side Rules, 1960, 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 deceased respondent No. 1A 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. 1A, if any .

In turn, 04 weeks time is granted with direction to take appropriate steps for bringing on record the legal representatives of deceased respondent No. 1A, if any on record. On failure, proceeding would stand abated against deceased respondent No. 1A without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)