

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

INTERIM APPLICATION NO. 398 OF 2024
IN
FIRST APPEAL (ST) NO. 35430 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 : 02/12/2024

Adv. Gautam Banerjee i/by Jay and Co. present for
Applicant.

The notices issued to respondent no. 2 on 20/04/2024 and 07/08/2024 are not returned till date. Therefore, the above numbered interim application is listed on the board of registrar for second time for taking steps for service of notices upon unserved respondents no. 2. However, learned advocate for appellant has neither taken any steps nor supplied proper and correct address of respondent nos. 2.

In view of provisions under Chapter VII, Rule 6 (1) (e) of the Bombay High Court, Appellate Side Rules, 1960, 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 for service of notice upon unserved respondent nos. 2 as provided under Rule 1960 has been expired. 02 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 for service of notice upon unserved respondent nos. 2.

In turn, two weeks time is granted with directions to take appropriate steps for service of notice upon unserved 2 without fail. On failure, interim application. would stand dismissed against unserved respondent nos. 2 without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)

vrm-R(J-II)-02.12.2024