

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

CIVIL REVISION APPLICATION NO.469 OF 2024

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
CORAM : <u>S.R. AGRAWAL</u> <u>REGISTRAR (JUDL. - II)</u> DATE : 27th November, 2024 Advocate Namit Pansare for Applicant Present. As per bailiff report dated 22/08/2024, notice of Respondent No.2 is returned unserved with remark "Expired on 11/09/2023". The above numbered Civil Revision Application is listed for third time on the board of Registrar for taking steps to bring the legal representatives of the deceased Respondent No.2. Already four weeks time has been granted, however, despite of granting four weeks time, Advocate for the Applicant has not taken any steps for bringing the legal representatives of deceased Respondent No. 2, till date. Here reference to Chapter VII Rule 6 Sub rule 1 and 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.2, as 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 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.2, if any.

In turn, 02 (two) weeks time is granted with directions to take appropriate steps for

bringing legal representatives of the deceased Respondent No.2, without fail. On failure, Civil Revision Application would stand abated against deceased Respondent No.2, without further reference to the Court of Registrar.

The learned Advocate for the Applicant has filed praecipe dated 27/11/2024 to issue fresh notice on the new address of Respondent Nos.4 and 5. Hence, issue fresh notice to the Respondent Nos.4 and 5 on new address, returnable by 10 (ten) weeks.

sd/-
Registrar (Judl. - II)

dsm