

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.517 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 : 12th February, 2025 None present. The <u>Respondent No.3</u> is reported to be <u>dead</u> on 28.10.2023 vide Bailiff's Report dated 22.10.2024. Therefore, the learned Advocate for the Appellant is directed to take appropriate steps within <u>6 (six) weeks</u> for <u>bringing on record the legal representatives of deceased Respondent No.3</u>, if any. On failure, necessary order will be passed on next date. The <u>notice issued to Respondent No.10</u> <u>returned unserved</u> with Bailiff's remark "want full and correct address". Hence, <u>02 (two) weeks</u> time is granted to take appropriate steps for <u>service of notice upon unserved Respondent No.10</u>. On failure, necessary order will be passed on next date. As per Bailiff's report dated 19/10/2024, Respondent No.2 - Vatsala Krishna Pawar and Respondent No.14 - Ashwinkumar Ramchandra	

Lakade are reported to be dead. The matter was placed on board of Registrar for second time. However, learned Advocate for the Appellant has not taken any steps for bringing on record the legal representative of the deceased Respondent Nos.2 and 14.

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 heirs of the deceased Respondent Nos.2 and 14 as provided under Rule 1960 has been expired. 06 (six) weeks time was granted, but all in vain. The matter is lying ideally without any progress due to want of any steps.

However, instead of passing order of abatement outrightly, it would be just and proper to give one more opportunity to take steps for bringing the legal representatives of deceased Respondent Nos.2 and 14 on record.

In turn, 05 (five) weeks time is granted with directions to take steps for bringing on

record legal representative of deceased Respondent Nos.2 and 14 without fail.

On failure, proceeding would stand abated against deceased Respondent No.2 - Vatsala Krishna Pawar and Respondent No.14 - Ashwinkumar Ramchandra Lakade, without further reference to the Court of Registrar.

The above numbered Second Appeal is listed on the board of Registrar for third time. Already 04 (four) weeks time has been granted, however, despite granting 04 (four) weeks time, the Advocate for the Appellant has not supplied copies for issuing notices to the Respondent Nos.5 and 12 till date.

In view of provisions under Chapter VII, Rule 2 (iii) Matters to be dismissed for non-prosecution in case of default of payment of process fees and failure to supply copies immediately after the expiry of the time prescribed in the foregoing sub-rules of this rule for the supply of copies, the office shall place before the Registrar all such matters in which the process fees have not been paid and/or the copies have not been supplied within the prescribed time, and the Registrar shall dismiss all such matters for failure to prosecute.

As such, the prescribed time to supply copies as provided under Rules 1960 has been expired. 04 (four) weeks time was granted, but all in vain. The matter is lying ideally without

any progress due want of any steps.

However, instead of passing order of dismissal outrightly, it would be just and proper to give one more opportunity to supply the necessary copies.

In turn, 02 (two) weeks time is granted with directions to supply the necessary copies without fail. On failure, proceeding would stand dismissed against Respondent Nos.5 and 12 without further reference to the Court of Registrar.

sd/-
Registrar (Judl. - II)

apj