

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

FIRST APPEAL NO. 358 OF 2024
ALONGWITH
INTERIM APPLICATION NO. 17078 OF 2023
IN
FIRST APPEAL NO. 358 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 : 06/01/2025

None Present

The respondent Nos. 4a, 4c, 6a, 8 and 9 namely, Baban K. Ghorpade, Hirabai K. Ghorpade, Sahebrao B. Ghorpade, Bajirao B. Jambale and Atmaram S. Ghorpade respectively, are reported to be dead vide Bailiff's report dated 11/10/2024.

The above numbered First Appeal alongwith Interim Application is listed for second time on the board of Registrar for taking steps to bring the legal representatives of deceased respondent Nos. 4a, 4c, 6a, 8 and 9 on record. Already two weeks time was granted. However, despite of granting two weeks time, learned Advocate for the Appellant has not taken any steps for bringing the legal representatives of respondent Nos. 4a, 4c, 6a, 8 and 9 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 Nos. 4a, 4c, 6a, 8 and 9 as provided under Rules 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 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 Nos. 4a, 4c, 6a, 8 and 9, if any.

In turn, 08 weeks time is granted with direction to take appropriate steps for bringing on record the legal representatives of deceased respondent Nos. 4a, 4c, 6a, 8 and 9, if any on record. On failure, proceeding would stand abated against deceased respondent Nos. 4a, 4c, 6a, 8 and 9 namely, Baban K. Ghorpade, Hirabai K. Ghorpade, Sahebrao B. Ghorpade, Bajirao B. Jambale and Atmaram S. Ghorpade respectively without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)