

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

INTERIM APPLICATION NO. 9853 OF 2024
IN
FIRST APPEAL (STAMP) NO. 29762 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 : 26/02/2025

Adv. Shraddha Pawar present for respondent No. 1

The respondent No. 2, Shri. Rajendra Vitthal Mokashi is reported to be dead vide Bailiff's report dated 26/11/2024.

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. 2 on record. Already six weeks time was granted. However, despite of granting six weeks time, learned Advocate for the Applicant has not taken any steps for bringing the legal representatives of respondent No. 2 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. 2 as provided under Rules 1960 has been expired. 06 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, the learned advocate for the applicant is directed to take appropriate steps for bringing on record the legal representatives of deceased respondent No. 2, if any on record within 06 weeks. On failure, proceeding would stand abated against deceased respondent No. 2 without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)

sat-R(J-II)-26.02.2025