

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

FIRST APPEAL NO. 689 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 : 22/01/2025

Adv. Tulshiram Kale i/by Adv. T.J. Mendon present for the
Appellant

The notice issued to respondent No. 1 is returned unserved. Therefore, the above numbered First Appeal is listed on the board of registrar for second time for taking steps for service of notice upon unserved respondent No. 1. However, learned advocate for appellant has neither taken any steps nor supplied proper and correct address of respondent No. 1.

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 No. 1 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 more opportunity to take steps for service of notice upon unserved respondent No. 1.

In turn, learned advocate for the appellant is directed to take appropriate steps for service of notice upon unserved respondent No. 1 within 02 weeks without fail. On failure, First Appeal would stand dismissed against unserved respondent No. 1 without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)

sat-R(J-II)-22.01.2025