

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.92 OF 2024

A/W

INTERIM APPLICATION NO.1437 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>DR. M. S. DESHPANDE</u> <u>REGISTRAR (JUDL. - II)</u> DATE : 05th March, 2026 None present. The Hon'ble Court vide order dated 15/02/2024 directed the Appellant to file private paper book within 01 (one) year. However, the Appellant or his learned Advocate have not filed private paper book. Therefore, matter was listed on board of Registrar on 09/02/2026. Thereupon, the Appellant was directed to file private paper book, as per the order of Hon'ble Court. As such, since 15/02/2024, the Appellant got ample time and opportunity to file the private paper book. However, the Appellant failed to do so. In view of provisions under Chapter VII, Rule 10(iii), the Advocates/Parties are expected to supply to the office for the use of the Court two copies of the typed paper book containing the papers specified in Sub-rule (i) within 02	

months of the order directing notice to issue or the order of the Court to the contrary.

Rule 10(vi) further provides that, immediately after the expiry of the period prescribed under Sub-rules (iii) and (iv) above for the supply of paper books, the office shall place before the Registrar all such matters if the paper books and the title sheets have not been supplied within the prescribed time, and the Registrar shall dismiss all such matters for failure to prosecute.

The prescribed time to file the paper book as provided under Bombay High Court, Appellate Side Rules, 1960 has been expired. Two (02) weeks time was granted, however, all in vain. The matter is lying ideally without any progress due to non supply of paper book. In the back drop, instead of passing order of dismissal outrightly, it would be just and proper to give one more opportunity to file the paper book.

In turn, four (04) weeks time is granted with directions to file the private paper book without fail. On failure, Second Appeal and pending Civil Application/Interim Application, if any, would stand dismissed without further reference to the Court of Registrar. No further extension will be granted.

The above numbered Second Appeal alongwith Interim Application are listed for second time on the Board of Registrar for supplying copies of Second Appeal and Interim Application. Already two (02) weeks time was granted. However, despite of granting two (02) weeks time, the Advocate for the Appellant has not supplied copies of Second Appeal and Interim Application for issuing notices to Respondent Nos.5 to 7.

In view of provisions under Chapter VII, Rule 2 (iii) of the Bombay High Court Appellate Side Rules, 1960 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.

The prescribed time to supply copies, as provided under Rules, 1960 has been expired. two (02) weeks time was granted, however, all in vain. The matter is lying ideally without any progress as learned Advocate for the Appellant has not taken 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, the learned Advocate for the Appellant is directed to supply necessary copies within two (02) weeks without fail. On failure, the proceeding would stand dismissed against Respondent Nos. 5 to 7 without further reference to the Court of Registrar. If copies supplied, issue notices to Respondent Nos.5 to 7, returnable by 10 (ten) weeks.

sd/-
Registrar (Judl. - II)

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