

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.232 OF 2008

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
<p data-bbox="400 678 954 757">CORAM : <u>S.R. AGRAWAL</u> <u>REGISTRAR (JUDL. - II)</u></p> <p data-bbox="400 815 903 857">DATE : 09<sup>th</sup> February, 2026</p> <p data-bbox="312 920 560 958">None present.</p> <p data-bbox="177 1032 1007 1731">The Hon'ble Court vide order dated 06/12/2012 directed the Appellant to file private paper book within 03 (three) months. But, the Appellant or his learned Advocate have not filed private paper book. Therefore, matter was listed on board of Registrar on 11/12/2025. Thereupon, the Appellant was directed to file private paper book, as per the order of Hon'ble Court. As such, since 06/12/2012, the Appellant got ample time and opportunity to file the private paper book. But, the Appellant failed to do so.</p> <p data-bbox="177 1798 1007 2078">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)</p>	

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.

As such, the prescribed time to file the paper book as provided under Bombay High Court, Appellate Side Rules, 1960 has been expired. 02 (two) weeks time was granted, but 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, 04 (four) 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 notice of Respondent No.4/4 is returned unserved. Therefore, the above numbered Second Appeal is listed on the board of Registrar for second time for taking steps for service of notice upon unserved Respondent No.4/4. However, the learned Advocate for Appellant has neither taken any steps nor supplied proper and correct address of Respondent No.4/4.

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 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.4/4 as provided under Rule 1960 has been expired. 02 (two) 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.4/4.

In turn, the learned Advocate for the Appellant is directed to take appropriate steps within 02 (two) weeks for service of notice upon unserved Respondent No.4/4 without fail. On failure, proceeding would stand dismissed against unserved Respondent No.4/4 without further reference to the Court of Registrar.

sd/-  
Registrar (Judl. - II)