

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

INTERIM APPLICATION NO. 3628 OF 2021
IN
FIRST APPEAL (STAMP) NO. 9068 OF 2021

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 : 24/07/2024

Adv. Kiran Shinde, AGP present for the Applicant

As per Bailiff's Report dated 08/02/2024,
Notice of respondent No. 2 is returned unserved with
remark "expired"

The above numbered Interim Application is
listed for third time on the board of Registrar for taking
steps to bring the legal representatives of deceased
respondent No. 2 on record. Already four weeks time
was granted. However, despite of granting four weeks
time, learned Advocate for the Applicant has not taken
any steps for bringing the legal representatives of
deceased 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. 04 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, three weeks time is granted with direction to take appropriate steps for bringing on record the legal representatives of deceased respondent No. 2, if any on record. On failure, proceeding would stand abated against deceased respondent No. 2 without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)