

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

FIRST APPEAL NO. 1598 OF 2005

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 : 25/09/2023

Adv. Tanaya Goswami, AGP present for the Appellant

As per Bailiff's Report dated 28/12/2005,
Notice of Respondent No. 1 is returned unserved with
remark "dead"

The above numbered First Appeal is listed for
third time on the board of Registrar. Already four weeks
time was granted. However, despite of granting four
weeks time, Advocate for the Appellant has not taken
any steps regarding the deceased Respondent No. 1
till date.

Here reference to Chapter VII Rule 6 Sub rule
1 & 2 of the Bombay High Court, Appellate Side Rules,
1960 [for short "Rules"] may be conveniently made. It
states about Processes, Process fees, Printing
Charges, Security for costs and other procedure after
admission etc.

In view of provisions under Chapter VII, Rule
6 (2), 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.

The prescribed time to bring on record the heirs of the deceased Respondent No. 1 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 dismissal outrightly, it would be just and proper to give one opportunity to take steps regarding deceased Respondent No. 1.

In turn, two weeks time is granted with direction to take steps regarding deceased Respondent No. 1 without fail. On failure, First Appeal would stand abated against deceased Respondent No. 1 without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)