

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

SECOND APPEAL NO.635 OF 2019
WITH
CIVIL APPLICATION NO.1331 OF 2019

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
CORAM : <u>S.R. AGRAWAL</u> <u>REGISTRAR (JUDL. - II)</u> DATE : 06th February, 2024 None Present. As per Bailiff's Report dated 20/04/2023, notice of Respondent No.7 is returned unserved with remark "reported to be dead". The above numbered Second Appeal is listed on the board of Registrar for third time. Already four weeks time has been granted, however, despite granting four weeks time, Advocate for the Appellants has not taken any steps for bringing legal representatives of deceased Respondent No.7, if any, 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.7 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 want of any steps.

However, instead of passing order of abatement outrightly, it would be just and proper to give one more opportunity to take steps for bringing legal representatives of deceased Respondent No.7, if any.

In turn, two weeks time is granted with directions to take steps for bringing legal representatives of deceased Respondent No.7, if any, without fail. On failure, Second Appeal would stand abated against

deceased Respondent No.7, without further reference to the Court of Registrar.

sd/-
Registrar (Judl. - II)

dsm