

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

First Appeal No.330 of 2020.

Office Notes, Office Memoranda of Coram, Court's or Judge's orders
appearance, Court's orders or directions and
Registrar's orders

CORAM : S. R. AGRAWAL
REGISTRAR (JUDL.II)

Date : 21/08/2023.

Adv. Vineet Sawant i/by Adv. Sean
Wassoodev present for Appellant

As per Bailiff's Report dated
14/03/2023, notice of Respondent No.3 is
returned unserved with remark "Respondent
No. 3 is expired long back time".

The above numbered First Appeal is
listed on the board of Registrar third time.
Already four weeks time was granted,
however, despite granting four weeks time,
Advocate for the Appellant has not taken any
steps regarding the deceased Respondent No.
3 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.3 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.3.

In turn, two weeks time is granted with directions to take steps regarding deceased Respondent No.3 without fail. On failure, First Appeal would stand abated against deceased Respondent No.3, without further reference to the Court of Registrar.

Sd/-

REGISTRAR (JUDL-II)