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

6

FIRST APPEAL NO. 333 OF 2017

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

Court's or Judge's order

CORAM : DR. M.S. DESHPANDE  
REGISTRAR (JUDL -II)

DATE : 04/05/2026

None Present

The notice of respondent No. 3 is returned unserved. Therefore, the above numbered First Appeal is listed on the board of registrar for second time for taking steps for service of notice upon unserved respondent No. 3. However, learned advocate for appellant has neither taken any steps nor supplied proper and correct address of respondent No. 3.

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.:

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As such, the prescribed time to take steps for service of notice upon unserved respondent No. 3 as provided under Rule 1960 has been expired. 02 weeks time was granted, but all in vain. The matter is lying idle 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. 3.

In turn, learned advocate for the appellant is directed to take appropriate steps for service of notice upon unserved respondent No. 3 within 02 weeks (excluding summer vacation) without fail. On failure, First Appeal would stand dismissed against unserved respondent No. 3 without further reference to the Court of Registrar.

The Hon'ble Court (Coram : Smt. Anuja Prabhudessai, J.) vide order dated 12/10/2022 permitted the appellant to make necessary entry in the name of Respondent No. 1, as death of respondent No. 1 occurred and his sole legal representative is already on record. The Appellant was permitted to carry out amendment in the cause title within a period of one week. However, though the matter was listed on the board of Registrar on 21/02/2023, 13/03/2023, 27/03/2023 and 18/07/2023, the learned advocate for the appellant has not corrected/amended the cause title as per Hon'ble Court's order dated 12/10/2022. Hence, the learned advocate for the appellant is directed to carry out amendment in the cause title within 02 weeks (excluding summer vacation) without fail. On failure, the

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First Appeal will stand dismissed without further reference to the court of Registrar.

Sd/-  
REGISTRAR (JUDL-II)

sat-R(J-II)-04.05.2026