

: 1 :
FARAD CONTINUATION SHEET NO.
THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

13

CIVIL APPLICATION NO. 1995 OF 2019
ALONGWITH
CIVIL APPLICATION NO. 1996 OF 2019
IN
FIRST APPEAL (STAMP) NO. 33162 OF 2018

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

Court's or Judge's order

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

DATE : 07/05/2026

None Present

The notice of respondent No. 2 is returned unserved. Therefore, the above numbered Civil Applications are listed on the board of registrar for second time for taking steps for service of notice upon unserved respondent No. 2. However, learned advocate for applicant has neither taken any steps nor supplied proper and correct address of respondent No. 2.

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 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.:

As such, the prescribed time to take steps for service of notice upon unserved respondent No. 2 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 for want of taking 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. 2.

In turn, learned advocate for the applicant is directed to take appropriate steps for service of notice upon unserved respondent No. 2 within 02 weeks (excluding summer vacation) without fail. On failure, Civil Applications would stand dismissed against unserved respondent No. 2 without further reference to the Court of Registrar.

The respondent No. 1- Mrs. Sharda M. Agarwal is reported to be "dead" vide Bailiff's report dated 23/11/2021 in Civil Application No. 1996 of 2019. Hence, learned advocate for the Applicant is directed to take appropriate steps for bringing on record the legal representatives of the deceased respondent No. 1 within 06 weeks **(as a last chance)**. On failure, necessary order including abatement of proceeding against deceased respondent No. 1 will be passed on the next date.

Sd/-
REGISTRAR (JUDL-II)

