

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

INTERIM APPLICATION NO. 1697 OF 2023
IN
FIRST APPEAL NO. 43 OF 2013

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 : 12/04/2024

Adv. Jeel Shah i/by Legasis Partners present for
Applicant

The notice issued to respondent No. 4 is returned unserved. Therefore, the above numbered First Appeal is listed on the board of registrar for three times for taking steps against unserved respondent no. 4. However, the learned advocate for the appellant has neither taken steps nor supplied proper and correct address of respondent no. 4.

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 (1) (e), 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 against unserved Respondent No. 4 as provided under Rule 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 against unserved Respondent No. 4.

In turn two weeks time is granted with directions to take steps against unserved Respondent No. 4 without fail. On failure, the Interim Application would stand dismissed against unserved Respondent No. 4 without further reference to the Court of Registrar.

Notice issued to respondent no. 5 is returned unserved with Bailiff's remark, "respondent no. 5 was not found. On enquiry, neighbouring person informed that said respondent no. 5 gone out and no fixed time to her return". Therefore, re-issue notice to respondent no. 5, returnable by 06 weeks (excluding summer vacation).

Sd/-
REGISTRAR (JUDL-II)