

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

FIRST APPEAL NO. 1016 OF 2009

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 : 12/03/2025

Adv. Poonam Mital present for Appellant
Adv. Shraddha Bodake i/by Adv. Dilip Bodake
present for respondent no. 2

Respondent Nos. 2, namely Mahimudsha Abdulrahima Kazi is reported to be dead as per letter dated 09.12.2024 filed by learned advocate for respondent No. 2.

The above numbered First Appeal is listed for second time on the board of Registrar for taking steps to bring the legal representatives of deceased respondent Nos. 2 on record. Already four weeks time was granted. However, despite of granting four weeks time, learned Advocate for the Applicant has not taken any steps for bringing the legal representatives of deceased Respondent Nos. 2 on record.

In view of provisions under Chapter VII, Rule 6 (2) of the Bombay High Court, Appellate Side Rules, 1960, 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.

As such, the prescribed time to bring on record the legal representatives of deceased Respondent No. 2 as 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 abatement outrightly, it would be just and proper to give one opportunity to take appropriate steps for bringing on record the legal representatives of deceased Respondent Nos. 2, if any .

In turn, learned advocate for the appellant is directed to take appropriate steps for bringing on record the legal representatives of deceased Respondent Nos. 2, if any on record within eight weeks. On failure, proceeding would stand abated against deceased Respondent Nos. 2, without further reference to the Court of Registrar.

Sd/-
REGISTRAR (JUDL-II)