

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B.Civil Second Appeal No. 71 / 2016

Lrs Of Kushalchand

----Appellant

Versus

Nagar Palika, Barmer

----Respondent

For Appellant(s) : Mr.Hemant Shrimali.

HON'BLE MR. JUSTICE DEEPAK MAHESHWARI

Judgment / Order

20/03/2017

This case is lying on defect side for considerable period. Learned counsel for the appellant/s appears to have not taken any proper steps for removal of defects. Last opportunity is granted to remove the defects within a period of six weeks from today.

If reply to any particular defect has to be filed and the same is required to be overruled by the court, learned counsel may file appropriate application raising his contention before the next date.

In case notices are awaited, received unserved, not filed or Dasti notices not taken by counsel, fresh notices with up to date and correct address may be filed in two sets. One set be given 'Dasti' to learned counsel for the appellant/s for effecting direct service upon the respondent/s through regd. Post. Other set will be sent through ordinary course.

If fresh address is not available, appropriate application be moved along with fresh address within four weeks failing which the

appeal shall stand dismissed without reference to the court qua the respondent whose fresh address not made available.

If deficit court fees has not been paid/ no court fees has been paid on memo of appeal, on filing the deficit court fees for removal of defect along with application under section 149 of C.P.C. such application may be listed before court for appropriate orders.

After removing the defects, if the case is barred by limitation and the application under section 5 of the Limitation Act has been filed by the learned counsel, notice on the said application may be filed in two sets. Office may issue notice of the same returnable within a period of four weeks. Other set be given 'Dasti' to learned counsel for the appellant/s for effecting direct service upon the respondent/s.

In case service is complete on application under section 5 of Limitation Act and no counsel appears on behalf of the respondent/s, then put up after two weeks.

If no steps are taken by learned counsel for taking the LR's of the deceased party on record including filing of P.F. and Notices, the appeal shall automatically stands dismissed without reference to the court qua the party.

Put up after eight weeks, if compliance is made by the concerned party as mentioned.

(DEEPAK MAHESHWARI)J.