



of the C. P. C. and notice of motion cannot be taken out for setting aside the said decree.

2. It is an admitted position that the said order has been challenged by filing Appeal Nos. 611 of 2006 and 792/2007. That being the position, this appeal does not survive, and is accordingly disposed of. It is clarified that Appeal Nos. 611/2006 and 792/2007 will be heard on merits and in accordance with law. Appeal No. 508/2006 is accordingly disposed of.

Sd/-

[B. P. COLABAWALLA, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemath