

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
APPEAL FROM ORDER NO.737 OF 2014  
WITH  
CIVIL APPLICATION NO.892 OF 2014**

**Harbin Navinchandra Jhaveri**

**..Appellant**

**Vs.**

**Aarsh Developers through its partner  
Jethalal Devshi Shah & Ors.**

**..Respondents**

**Mrs. Sonal Jhaveri Constituted Attorney of the Appellant present in person  
Ms Leena Shah i/b Shah & Furia Associates for the Respondent No.1**

**CORAM : R. M. SAVANT, J.  
DATE : 10<sup>th</sup> JUNE, 2016**

**P.C.**

1           Considering the challenge raised in the above Appeal From Order, the same is not maintainable. The Order dated 15-7-2014 passed by the Learned Judge of the City Civil Court Bombay, allowing the Chamber Summons No.573 of 2013 filed under Order 1 Rule 10 of the Civil Procedure Code is taken exception to by way of the above Appeal from Order. A perusal of Order 43 of the Civil Procedure Code indicates that the order passed under Order I Rule 10 does not find a place therein. Hence the Appellant is required to file appropriate proceedings for challenging the said order. Since the Appellant is appearing in person and since the above Appeal was entertained earlier, the above Appeal from Order is dismissed as not maintainable with liberty to the

Appellant to file appropriate proceedings. To facilitate the same ad-interim relief which is operating in the Appeal From Order is continued for a period of two weeks from date.

2           In view of the dismissal of the above Appeal From Order, the above Civil Application No.892 of 2014 does not survive and to accordingly stand disposed of as such.

**[R.M.SAVANT, J]**