

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9970 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Dinesh Kumar Dubey a/w Sandesh Jadhav, Advocate for Petitioner.

CORAM : R.G.KETKAR,J.

DATE : 04/04/2016

PC:

1. Heard Mr. Dinesh Kumar Debey, learned counsel for the petitioner.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 15.7.2015 passed by the learned Civil Judge, Sr. Dn., Daman below Exhibit 40 in Civil Misc. Application No.9 of 2013. By that order, the learned trial Judge rejected the application made by the petitioner under Order IX Rule 13 of C.P.C for setting aside exparte decree dated 20.7.2009 passed in Spl. Civil Suit No. 7 of 2007.

3. Order XLVII, Rule 1(d) provides

that an appeal shall lie from an order under Rule 13 of Order IX rejecting an application for setting aside exparte decree.

4. In view thereof, Petition is dismissed as not maintainable reserving liberty to the petitioner to file Appeal from order as contemplated by Order XLVII, Rule 1(d). It is made clear that I have not examined merits of the case.

(R.G.KETKAR, J.)