

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.811 OF 2016  
WITH  
CIVIL APPLICATION NO.1015 OF 2016  
IN  
APPEAL FROM ORDER NO.811 OF 2016**

Girnar Realtors Pvt. Ltd. ..Appellant/Applicant  
V/s.

Mr.Manik Ram Reddy & Ors. ..Respondents

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Mr.M.K.Singh for the appellant/applicant.

Mr.Ashutosh Singh for Respondent No.2

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**CORAM : M. S. SONAK, J.**

**DATE : 09 JANUARY 2017.**

**P.C.**

1. Not on board. Upon production, taken on board.
2. This is an appeal against order dated 07 July 2016 whereby the learned Trial Judge has allowed the Notice of Motion taken out by defendant No.2, condoned delay and recalled its earlier order dated 07-07-2015 which had debarred the defendant no.2 from cross-examining the plaintiff-plaintiffs witnesses. As against such an order an Appeal from order under

Section 104 of the C.P.C. or under Order 43 Rule 1 of the C.P.C. will not lie. Accordingly, this Appeal From Order is dismissed.

3. In view of the dismissal of the appeal the Civil Application does not survive.

**(M. S. SONAK, J.)**