

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1734 OF 2016
IN
REJECTED CASE NO. 33 OF 2016

Mr. Bernard CoutinhoApplicant

Versus

Sohanraj Pukhraj Ranka ...Respondent

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Mr. A. P. Wachasundar for the Applicant.

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CORAM: MRS.MRIDULA BHATKAR, J.
DATE : MARCH 16, 2018

P.C.:

The applicant had challenged the order passed under Rule 13 of Order 9, by filing Miscellaneous Civil Appeal before the District Judge against which he has filed the Second Appeal. However, in view of Sub-section 2 of Section 104 of the Civil Procedure Code, no appeal shall lie from any order passed in appeal under Section 104. Section 104 is to be read alongwith Order 43. Hence, the appellant is allowed to withdraw this Second Appeal with liberty to file the appropriate proceeding. Second Appeal is not maintainable this

appeal is already dismissed by the order of the Registrar Judicial by dated 03.09.2015. Therefore, this application for recalling the said order is hereby rejected.

(MRIDULA BHATKAR, J.)