

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

**APPEAL FROM ORDER NO. 310 OF 2018
WITH
CIVIL APPLICATION NO. 405 OF 2018**

Basil Shamrao Rath & Ors. V/s. Chandrakant V. Patil (Since deceased) Through LR. Vidya Chandrakant Patil & Anr.	...	Appellants Respondents
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- Mr.Yagnik a/w. Ms.Joyce S. Rath for the Appellants.
- Ms.Amruta Athavale i/b. Mr.Rajendra C. Dhuru for Respondent No.1.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 14th JANUARY, 2019.

P.C. :

1] This Appeal from Order is preferred against the order passed by the City Civil Court on 21/03/2018 whereby the Notice of Motion No.1472 of 2017 filed in Suit No.8117 of 1986 is made absolute. The said Notice of Motion was filed seeking permission to set-aside the order dated 04/04/2016 forfeiting right of cross-examination of Plaintiffs' witnesses by Defendant No.1 and for grant of permission to cross-examine them in the interest of justice.

2] Needless to state that, against such order the Appeal from Order is not at all maintainable. The proper remedy for the Appellant is to file the Writ Petition.

3] Hence, the Appeal along with Civil Application stand dismissed with liberty to the Appellant to take proper steps.

[DR.SHALINI PHANSALKAR-JOSHI, J.]