

SGP

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5576 OF 2007
IN
APPEAL FROM ORDER NO. 3 OF 2002

The Municipal Council, Navapur, Tal. Navapur,
Dist. Nandurbar.

... Applicant

Versus

Subhashchandra s/o Muralilal Agrawal & Ors.

... Respondents

...
None for the applicants

CORAM : GAURI GODSE, J.

DATE : 9th January, 2023

PER COURT :

1. None appears for the applicant. On the last occasion also, none appeared for the applicant. This application is filed for restoration of the appeal from order. The order impugned in the appeal from order is passed in an appeal filed under Order 43 Rule 1 of Code of Civil Procedure, 1908.
2. In view of the bar under sub-section 2 of section 104 of the CPC, appeal from order filed in this court is not maintainable. Hence, no purpose would be served by keeping the application

for restoration pending. Hence, application for restoration of the appeal from order is dismissed.

3. Applicant will be at liberty to adopt appropriate remedy with respect to the order which is impugned in the appeal from order.
4. All contentions on merits are kept open.
5. Civil Application is dismissed in above terms.

[GAURI GODSE, J.]