

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 748 OF 2023

ALONGWITH

INTERIM APPLICATION NO. 894 OF 2020

Miss. Prabha Ganpat Borkar, now
Miss. Prabha Dinesh Kannan

...Appellant

V/s.

M/s. Drego Enterprises and Ors.

...Respondents

Mr. Pradeep J. Thorat i/by. Ms. Aditi S. Naikare, for the Appellant.

Ms. Archana Khan a/w. Mr. Parth H. Vyas, for Respondents No.3 and 4.

CORAM : SANDEEP V. MARNE, J.

Dated : 13 September 2023.

P.C. :

1. It appears that the present Appeal is filed challenging order dated 6 January 2020 passed by the City Civil Court in Notice of Motion No. 3186/2017 filed by Defendants No.3 and 4 apparently under the provisions of Section 144 read Section 151 of the Civil Procedure Code (**Code**) for restoration of the possession of the suit flats. Since the impugned order dated 6 January 2020 is passed under the provisions of Section 144 read with Section 151 of

the Code, the present Appeal would not be maintainable under the provisions of Order 43 Rule 1 of the Code. The present Appeal is accordingly **disposed of** as not maintainable. The Appellant shall however be at liberty to adopt appropriate proceedings for challenging the order dated 6 January 2020.

2. With disposal of the Appeal, Interim Application No. 894/2020 filed for appointment of Court Receiver does not survive. The same is disposed of as having become infructuous.

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SANDEEP V. MARNE, J.