

VRJ

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

SECOND APPEAL NO.672 OF 2023

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2023.12.02
10:24:02 +0530

Megraj Devji Patel ... Appellant

V/s.

Moraj Infratech Pvt. Ltd. & Ors. ... Respondent

WITH

SECOND APPEAL NO.673 OF 2023

Subhash Sharma ... Appellant

V/s.

Moraj Infratech Pvt. Ltd. & Ors. ... Respondent

WITH

SECOND APPEAL NO.674 OF 2023

Gulamquamber Sajjad Ali Shaikh ... Appellant

V/s.

Moraj Infratech Pvt. Ltd. & Ors. ... Respondents

Ms. Priyanka A. Nawale i/by Shinde & Co. for the appellant.

Mr. G. R. Agrawal with Ms. Naina Boraste i/by Mr. Vinod Gupta for respondent No.1.

Mr. A. A. Garge for respondent No.3.

Mr. Rohit Sakhadeo for respondent No.4 (CIDCO).

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 1, 2023

P.C.:

1. The second appeals arise out of decision of the Appellate

Court in exercise of power under section 104 of the Civil Procedure Code, 1908. The second appeals are barred under section 104(2) of the Civil Procedure Code, 1908.

2. Hence, the second appeals are dismissed as not maintainable. However, it is open for the appellant to file writ petition to challenge the impugned order. No costs.

(AMIT BORKAR, J.)