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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10147 OF 2024
IN
SECOND APPEAL NO. 845 OF 2015**

Usha Pralhad Barge	... Applicant
IN THE MATTER BETWEEN	
Shri Pralhad Maruti Barge	... Appellant
vs.	
Dattatray Hanmant Barge Deceased	... Respondent
Mr. Kayval P. Shah for Applicant.	

CORAM : GAURI GODSE, J.

DATED : 26th AUGUST 2024

ORDER:

SECOND APPEAL NO. 845 OF 2015

1. This Second Appeal challenges the order passed under Rule 19 Order XLI of the Civil Procedure Code, 1908('CPC') refusing to re-admit the appeal. Hence, the order is appealable under clause (t) of Rule (1) of Order XLIII of CPC. Hence, the Second Appeal is not maintainable.

2. In view of the aforesaid, learned counsel appearing for the appellant seeks leave to convert the Second Appeal into an Appeal from Order. Leave granted. Amendment to be carried out within two weeks.

3. Office is directed to permit the appellant to carry out the amendment and after the amendment is carried out, office is directed to convert the Second Appeal into an Appeal from Order.

(GAURI GODSE, J.)