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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 228 OF 2024  
WITH  
INTERIM APPLICATION NO. 17608 OF 2023  
IN  
APPEAL FROM ORDER NO. 228 OF 2024**

Pravin Shrirang Khandare

.....Appellant

Vs.

Nandini Urf Nanda Pravin Khandare

.....Respondent

Mr. Aniesh S. Jadhav Advocate for the Appellant (appointed)

Ms. Vanita H. Sangole for the respondent

**CORAM : GAURI GODSE, J.**

**DATE : 3<sup>rd</sup> MARCH 2025**

**ORDER:**

1. Mentioned out of turn by learned advocate for the appellant.
2. This appeal challenges the order dismissing the Misc. Civil Appeal filed under Order XLIII Rule 1 of Code of Civil Procedure, 1908 ('CPC'). Misc. Civil appeal was filed in the District Court to challenge the order passed below Exhibit 5 in a suit. The order passed below Exhibit 5 is under Order XXXIX Rule 1 of CPC. Hence, the present appeal is not maintainable.

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3. The appeal is therefore, dismissed. The appellant is at liberty to adopt appropriate proceedings as permissible in law.
4. In view of disposal of appeal, pending interim applications, if any, are disposed of as infructuous.

**[GAURI GODSE, J.]**