

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil Application NO. 252 OF 2017

IN

First Appeal NO. 1695 OF 2016

Mr. Ramdas Pandurang Thore

...Appellant/Applicant

Versus

Mr. Prakash Shankar Kakad

...Respondent

*None for the Appellant.**Ms.Priti R.Tare, for the Respondent.*

.....

CORAM

: G. S. KULKARNI, J.
(IN CHAMBER at 2.45 p.m)

DATE

: 11th April,2017

PC:-

1. The applicant as also the Advocate for the applicant are absent. Their names are correctly displayed on the cause list. In fact on a praecipe dated 27 March 2017 for circulation moved on behalf of the applicant, this application is listed. Heard Ms.Priti R.Tare, learned Counsel appearing for the Respondent.

2. By this application, the applicant has prayed for modification of the order dated 24 November 2016 and has prayed for the following reliefs:-

“(a) Rule be issued;

(b) This Hon'ble Court be pleased to modify the Order dated 24.11.2016, whereby this Hon'ble Court had directed the applicant to deposit an amount of Rs.4 Lacs before the Tribunal insteated the applicant may be permitted to deposit 1,50,000/- before the Tribunal;"

3. I have perused the order dated 24 November 2016. I have also perused the contents of Civil Application No.3833 of 2016 on which the order in question came to be passed. From the averments as made in that application, it is clear that the case which is pleaded in this application was not the case of the applicant in Original Civil Application No.3833 of 2016. The applicant in this civil application says that it is not possible for the applicant to comply with this order of deposit in view of certain financial constraints and circumstances. If that be the case, this civil application seeking modification/review of the order dated 24 November 2016 would not be maintainable. There is no error apparent on the face of the order.

4. Civil Application is accordingly rejected, however, with a liberty to the applicant to file an appropriate application seeking vacating of the order dated 24 November 2016 or for such other reliefs.

(G. S. KULKARNI, J.)