

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.1687 OF 2017
IN
FIRST APPEAL NO.478 OF 2017**

Suresh Fatichand Hinduja ... Applicant

In the matter between :

Suresh Fatichand Hinduja ... Appellant

Versus

Harish Kishanchand Chandani ... Respondent

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Ms. Prachi Khandge i/b M.P. Vashi Associates for the Applicant/Appellant.

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CORAM : S.C.GUPTE, J.

DATE : 16 JUNE 2017

P.C.

. This civil application seeks recall and modification of an order passed by this Court on 11 April 2017. The order grants stay of execution of a money decree, subject to the Appellant (original Defendant) depositing the entire decretal amount in Court after adjusting sum of Rs.3,00,000/- already deposited in the Trial Court. The order was passed after hearing the parties. No case is made out for recall, review or modification of this order in the civil application. A matter fully argued before the Court, cannot be re-argued by way of civil application seeking recall. No case is made under Order 47 Rule 1 or principle analogue thereto for any review. Civil Application is, accordingly, dismissed.

2 At the request of learned Counsel for the Applicant/Appellant, time granted to the Applicant/Appellant to deposit the amount in terms of the order dated 11 April 2017 and extended till date, shall stand further extended for a period of two weeks from today.

(S.C. GUPTE, J.)