

Sheth Maneklal Mansukhbhai - - - - - Appellant

v.

Sheth Chimanlal Kalidas and others - - - - Respondents

FROM

THE HIGH COURT OF JUDICATURE AT BOMBAY

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 30TH NOVEMBER, 1943 UPON
PETITION FOR RE-HEARING OF APPEAL.

Present at the Hearing:

LORD ATKIN
LORD PORTER
LORD CLAUSON
SIR GEORGE RANKIN

[Delivered by LORD ATKIN]

Their Lordships are unable to grant this application. They have, and always would have, every consideration for an applicant who came and said that, without any fault on his part, the case had been heard *ex parte*; and, wherever he could satisfy their Lordships that he could have put before them some considerations which might have affected their decision, they would no doubt be willing to give him an opportunity of being heard again; but the present case is a case which turns upon construction and upon construction only. The High Court, from which there was the appeal, after going carefully into all the arguments, adopted one construction, and the Board had given a detailed judgment in which they had dealt with the points taken by the High Court and had come to an opposite conclusion. It is not suggested that there is anything which could be said to the Board, if they did grant a further hearing, which had not been considered by the Board in giving their judgment on the previous hearing.

In those circumstances it seems to their Lordships that it would be improper to cause the parties to have another hearing which could only have exactly the same result.

Therefore their Lordships will humbly advise His Majesty that this application should be refused with costs.

In the Privy Council

SHETH MANEKIAL MANSUKHBHAI

v.

SHETH CHIMANLAL KALIDAS
AND OTHERS

DELIVERED BY LORD ATKIN

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