

HIGH COURT OF TRIPURA**_A_G_A_R_T_A_L_A_****CRP No.36 of 2026**

1.Sri Chandonrai Halam, S/O Late Anthangbul Halam

2.Smt Phulhuichim Halam, W/O Sri Chandonrai Halam

Both are residents of Zoythang ADC Village, Ward no. 2, PO - Zoythang, PS - Dharmanagar, Dist - North Tripura, Pin - 799250

3.Sri Ditluajon Halam, S/O Late Pondorring Halam

4.Sri Pondorsiak Halam, S/O Late Ditluajon Halam

5.Sri Pondorton Halam, S/O Late Ditluajon Halam

The Petitioner Nos.3 to 5 are residents of Ward no. 3, Village and PO - Bagbasha, PS - Dharmanagar, Dist - North Tripura, Pin – 799250

..... Petitioner(s)

Versus

1.Sri Neitungram Halam, S/o Late Paban Ring Halam

2.Sri Vaidonmoni Halam, S/o Late Paban Ring Halam

Both are residing at Zoithang ADC Village, Ward no. 2, PO - Zoithang, PS - Dharmanagar, Dist - North Tripura

3.Smt Sumtinly Halam, W/o Late Pandarman Halam

4.Sri Paban Roy Halam, S/o Late Pandarman Halam

5.Sri Pabanbum Halam, S/o Late Pandarman Halam

6.Smt Neitungning Halam, W/o Sri Munpuibum Halam

All respondent Nos.3 to 6 are residing at Zoithang ADC Village, Ward No.3, PO - Zoithang, PS - Dharmanagar, Dist - North Tripura

..... Respondent(s)

7.Sri Vaidongir Halam, S/o Late Paban Ring Halam of Zoythang ADC Village, Ward No. 2, PO - Zoithang, PS - Dharmanagar, Dist - North Tripura

..... Proforma-Respondent(s)

For Petitioner(s) : Mr. Arijit Bhaumik, Adv.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO**=O=R=D=E=R=****07/05/2026**

Heard Counsel for the Petitioners.

2. This Revision is filed challenging the order dt.17.02.2026 in

T.S. No.12 of 2021 dismissing a petition filed under Order XVIII Rule 17

CPC filed by the petitioners for recalling the defendant witnesses.

3. The ground on the basis of which the recall application has been filed is that the defendants had examined DWs 1 and 2, and for the answers given by such witnesses to the questions put during cross-examination, recording has not been properly done.

4. The Court below dismissed the said application stating that the witnesses of the defendants have been examined and cross examined duly. No objection was made by the counsel on behalf of the defendant when the evidence was being recorded. It also held that re-examination of witnesses should be resorted to only in exceptional circumstances and not in a routine manner.

5. Counsel for the Petitioners contends that the Supreme Court in Special Leave to Appeal(C)Nos.12012-12013/2025 interpreted Order VIII Rule 17 CPC in the following terms :

“This Rule provides the Court with a power which is necessary for the proper conduct of a case. If it appears to a court trying the suit at any stage of the proceedings that it is necessary to recall and further examine a witness it can always do so. This power can be exercised even at the stage of writing a judgment by the court. It is, however, proper that this power should not be exercised lightly and the rule is that it should be used sparingly and in exceptional cases only. The power is to be used for removing ambiguities, for clarifying the statement and not for the purposes of filling up the lacuna in a party’s case. It is true that the power can be exercised by the Court at its own initiative and may even be so done at the instance of a party.”

The above passage indicates that Order 18 Rule 17 confers a power on the Court to recall a witness but it does not confer the right on the party to a proceeding to recall witnesses and that such a power should be used sparingly and in exceptional cases only.

6. Once the witness has signed the deposition after reading it, and has not objected to the recording made by the Court, it is not permissible for the party to seek to recall the said witness for correcting the said deposition, and it would amount to filling up lacunae in the evidence, which cannot be permitted.

Therefore, I do not find any merit in the Revision and it is accordingly dismissed.

Pending applications, if any, also stands dismissed.

(M.S. RAMACHANDRA RAO, CJ)