

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

**WRIT PETITION NO.11036 OF 2015**

Prakash Sitaram Patil,  
Age: 58 years, Occ: Agri.,  
R/o. At post Dongaon, Tq. Yawal,  
Dist. Jalgaon.

...Petitioner

versus

Ramesh Shankar Badgujar,  
Age: 52 years, Occ: Agri./Service,  
R/o. Sakali, Tq. Yawal,  
Dist. Jalgaon.

...Respondent

**WITH**

**WRIT PETITION NO.11046 OF 2015**

Prakash Sitaram Patil,  
Age: 58 years, Occ: Agri.,  
R/o. At post Dongaon, Tq. Yawal,  
Dist. Jalgaon.

...Petitioner

versus

Yuvraj Chudaman Badgujar,  
Age: 56 years, Occ: Agri.,  
R/o. At post Dongaon, Tq. Yawal,  
Dist. Jalgaon.

...Respondent

.....  
Mr. Vijay B. Patil, Advocate for petitioner  
.....

**CORAM : N.W. SAMBRE, J.**

**DATE : 23rd NOVEMBER, 2015**

**ORAL ORDER :**

Both the petitions can be disposed of by common order.  
In the respective suits, after cross examination of the plaintiff was over, the petitioner-defendant moved an application seeking recalling

the plaintiff for further cross examination, as according to him, in the background of certain documents, further cross examination of the plaintiff is necessary.

2. Learned Counsel for the petitioner strenuously make out case for setting aside the order impugned, whereby the application for recalling the plaintiff was rejected, would urge that provisions of Rule 17 of Order 18 of Code of Civil Procedure, the petitioner is entitled for recalling such witness.

3. If the above referred legal provision is perused, in the light of requirement of said provision and even otherwise, it is required to be noted that the petitioner is required to come out with specific cause as to why the plaintiff is required to recall for cross examination. Learned trial Court while rejecting the prayer has noted that vague cause is cited.

4. The said provision cannot be read to the interest of the parties having callous approach in the proceedings, such as defendant, who had already exhausted opportunity of cross examination of the plaintiff. In my opinion, the trial Court was right in refusing the application. No case is made out. Interference is not called for. The writ petition fails, same stands dismissed.

**[ N.W. SAMBRE, J. ]**