

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.63 OF 2015

Bhupal Rama Chougule .. Petitioner
vs.
Shrimati Vimal J. Chougule & ors. .. Respondents

Mr. Sandeep S. Koregave for the Petitioner.
None for the Respondents.

CORAM : M. S. SONAK, J.
DATE : 19 MARCH, 2015.

P.C. :-

1] This petition challenges the order dated 25 September 2014 made by the 6th Joint Civil Judge, Junior Division, Kolhapur, dismissing the petitioner's application for recall of the witnesses under Order 18, Rule 17 of the Code of Civil Procedure, 1908 (CPC).

2] The petitioner's application, makes out no case for the exercise of extra ordinary powers under Order 18, Rule 17 of the CPC. In paragraph 5 of the impugned order, the 6th Joint Civil Judge, upon analysis of the application, has rightly come to the conclusion that the entire objective of seeking recall is to perhaps fill-in the lacuna in the evidence. It is well settled position in law that the powers under Order 18, Rule 17 of the CPC are to be exercised sparingly and mostly to clarify doubts or ambiguity which the Court may have

in relation to the deposition of witnesses. Accordingly, there is neither any jurisdictional error nor any perversity in making of the impugned order. The petition is, accordingly, dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

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