

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4579 OF 2014

Firoze J. Mantri	..	Petitioner
VS.		
Usman Gani Madu Bux & Anr.	..	Respondents

None for Petitioner.
None for Respondents.

CORAM : M. S. SONAK, J.
DATE : 16 JULY 2015

P.C. :-

1] None for the petitioner.

2] However, upon perusal of orders dated 12 February 2014 and 4 April 2014, no case is made out for interference with the impugned orders. The impugned orders have declined to recall witness Shri Ashok Waykole for the purposes of cross-examination. The two Courts have rightly held that the Courts cannot permit recall of a witness and thereafter, direct the opposite side to pose certain questions to such witness, so that the witness is in a position to produce some particular document. There is no proper explanation as to why the said witness in the course of his examination-in-chief, could not produce the document concerning 'Pappu Hair Cutting Saloon'. The provisions of Order 18 Rule 17 of

CPC empower the Courts, at any stage of the suit to recall any witness who has been examined and put such questions to him as the Court thinks fit. This is not a provision to enable any of the parties to plug the lacuna, if any, in the deposition of their witnesses.

3] Accordingly, there is no jurisdictional error in making of the impugned orders. This petition is accordingly dismissed.

(M. S. SONAK, J.)

Chandka