

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9857 OF 2015

Mr. Kailash Gangaram Sonawne.] ... Petitioner

Versus

Mrs. Sarika Kailash Sonawne.] ... Respondents

Ms. Pooja Saxena for Petitioner.

CORAM :- M. S. SONAK, J.
DATE :- OCTOBER 28, 2015

P. C. :-

1. Heard the learned Counsel for petitioner. There is no case made out to interfere with the impugned order. The parties have already closed their evidence. On the spacious leave that some questions in relation to medical certificate of the respondent were not allowed, it is impermissible to seek the recall of the witness. Besides, there is nothing on record to establish that any questions were not allowed or that there was any deficiency in the matter of providing opportunity to the petitioner in the course of cross-examination. The application seeking recall has been moved at the stage when the matter was posted for final arguments. The provisions of recall of the witnesses is not to enable the party to fill in the lacunae in their case. Such power has to be exercised, if the Court is satisfied that recall of the witness will sub-serve the interest of justice.

2. There is no case made out to interfere with the impugned order. This petition is dismissed. The ad-interim relief granted earlier stands vacated.

(M. S. SONAK, J.)