

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10827 of 2015

In

MAT. SUIT 33 of 2003

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Sita Devi

.... Petitioner/s

Versus

Pramod Sah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 27-04-2016 Heard learned counsel Mr. Ajay Kumar Pandey on
behalf of the petitioner.

From perusal of the order dated 19.02.2015 passed by
Principal Judge, Family Court, Siwan in Divorce Case No. 33 of
2003, it appears that the Court below considered the fact that
sufficient opportunity was granted to the petitioner for cross-
examination of the petitioner's witness Ashok Giri and therefore,
rejected the application filed by the petitioner.

The Hon'ble Supreme Court in the case of Vadiraj
Naggappa Vernekar Vrs. Sharad Chand Prabhakar Gogate AIR
2009 Supreme Court 1604 has held that the power under the
provisions of Order 18 Rule 17 is to be sparingly exercised and in
appropriate cases and not as a general rule. Such power is to be

invoked not to fill up the lacunae in the evidence of the witness which has already been recorded but to clear any ambiguity that may have arisen during the course of his examination.

In view of the above settled principles of law, I do not find any reason to interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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