

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.337 of 2017

=====

Smt. Rupam Saroj

.... Petitioner

Versus

Dr. Navin Kumar Singh

.... Respondent

=====

Appearance :

For the Petitioner : Mr. Dudh Nath Singh

For the Respondent : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 22-02-2017 Heard learned counsel Mr. Samrendra Kumar Jha for
the petitioner.

Perused the impugned order dated 15.11.2016 passed
by learned Principal Judge, Family Court, Patna in Matrimonial
Case No.282 of 2013 whereby the learned Principal Judge has
rejected the application filed by the wife-petitioner to recall the
husband only for further cross-examination.

From perusal of the impugned order, it appears that the
wife has already fully cross-examined the husband and the
evidence of the husband-respondent has already been closed.

The Hon'ble Supreme Court in the case of **Vadiraj**
Naggappa Vernekar Vs. Sharad Chand Prabhakar Gogate,
A.I.R. 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 merely on the ground



that his recall and re-examination would not cause any prejudice to the parties. 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 the present case, no case has been made out that any ambiguity is there in the statement made by the husband in his examination or cross-examination. Therefore, the court below has rightly refused to recall the witness for further cross-examination.

Thus, I find no jurisdictional error in the impugned order and as such this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--

