

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 782 of 2018**

- Babulal Singh S/o Late Shri Sadhu Singh Aged About 72 Years R/o Saini Vyapari Bada (Dera), New Bhaisthan Raipura, Opp. To New Zayaka, Ringh Road No. 1 Raipur District Raipur, Chhattisgarh.

---- Petitioner

Versus

- Shri Gurmel Singh Saini, S/o Late Shri Gurucharan Singh Saini Aged About 54 Years R/o Nasib Dairy, Opp. To Vijaya Bank, Main Road Shyam Nagar, Raipur District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Pallav Mishra, Advocate.
For Respondent	:	None.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****Per Ajay Kumar Tripathi, Chief Justice****12.09.2018**

1. Heard, learned counsel for the petitioner.
2. This writ application has been preferred against the order dated 27.06.2018 passed in Misc. Appeal No. 16/2018 by the Rent Control Tribunal, Raipur. The Tribunal has refused to pass any order on the demand of the present petitioner to recall one witness since he wants to cross-examine him further on certain aspects of the matter which he missed out on the same.
3. Merely because the litigant chose not to be vigilant about the questions he wanted to put in the cross-examination when all the materials and issues on which he wanted to put those questions were available on record, the witness cannot be recalled at whims and fancies of the litigant according to his convenience. The Tribunal has rightly, therefore, rejected such a prayer against which the present writ application has been preferred.

4. On failure to make out a case within the ambit of the principles where recall is permissible, we do not find any error in the decision of the Tribunal in refusing to accede to the prayer made on behalf of the petitioner, before the Rent Control Tribunal.
5. The petition has no merits, it is dismissed.

Sd /-

(Ajay Kumar Tripathi)
Chief Justice

Sd /-

(Parth Prateem Sahu)
Judge