

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8179 OF 2019

Smt.Kusum Baburao Kanse ... **Petitioner**

Versus

Smt.Parvati Baburao Kanse ... **Respondent**

.....

Mr.Kalpesh U. Patil, Advocate for the Petitioner.

....

CORAM : A.M.BADAR J.

DATED : 5th NOVEMBER 2019.

P.C. :

1 By this petition, the petitioner is challenging the Order dated 28/01/2019 by which her application for recalling the witness is rejected by the learned trial Court.

2 Heard the learned Counsel appearing for the petitioner. He argued that no-cross Order was passed on 15/12/2018 and thereafter the learned Counsel for the petitioner appeared before the learned trial Court and as the learned trial Court had insisted him to cross-examine the witness, the learned Counsel has cross-examined the witness and in that process material questions remained to be asked to the witness. Therefore, in submission of the learned Counsel for the petitioner, application for recalling the

witness came to be filed and the same is erroneously rejected by the learned trial Court.

3 I have considered the submissions so advanced and also perused the application at Exhibit 23 moved on behalf of the petitioner before the learned trial Court.

4 What is contended before this Court is not reflected in the said application. The learned trial Court has properly exercised the discretion in not allowing the petitioner to recall the witness as no sufficient cause was shown for recalling the witness.

5 No infirmity, as such, can be found in the impugned Order. The petition is, therefore, dismissed.

(A.M.BADAR, J.)