

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1391/2019

Smt. Durgabai Charansingh Rathod
..Vs..
Subhash Rajanna Narendulwar and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.M. Tahliyani, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATE : 28.2.2019.

Heard.

The defendant No.3A has challenged the order passed by the trial Court, rejecting the application (Exh. No.91) filed by her praying that the plaintiff's witness be recalled to enable the defendant No.3A to cross-examine him.

While rejecting the application (Exh. No.91), the learned trial Judge has recorded that the witness cannot be recalled as after recording of cross-examination of plaintiff was over, the evidence of defendant Nos.1 and 2 is also recorded. Apart from this, I find that the prayer made on behalf of the defendant No.3A cannot be granted in view of the provisions of Order 18 Rule 17 of the Code of Civil Procedure.

It cannot be said that the learned trial Judge has failed to exercise jurisdiction vested in him by not

granting the prayer made by the defendant No.3A for recalling the plaintiff for cross-examination. I see no reason to interfere with the impugned order. The writ petition is **dismissed**. No costs.

JUDGE

Tambaskar.