

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 17536 OF 2022

Sobhan Kumar Sahoo

Petitioner

Mr. Satya Prakash Satpathy, Advocate

-versus-

***Pritianshu Priyadarshini Biswal and
another***

.... Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

28.07.2022

Order No.

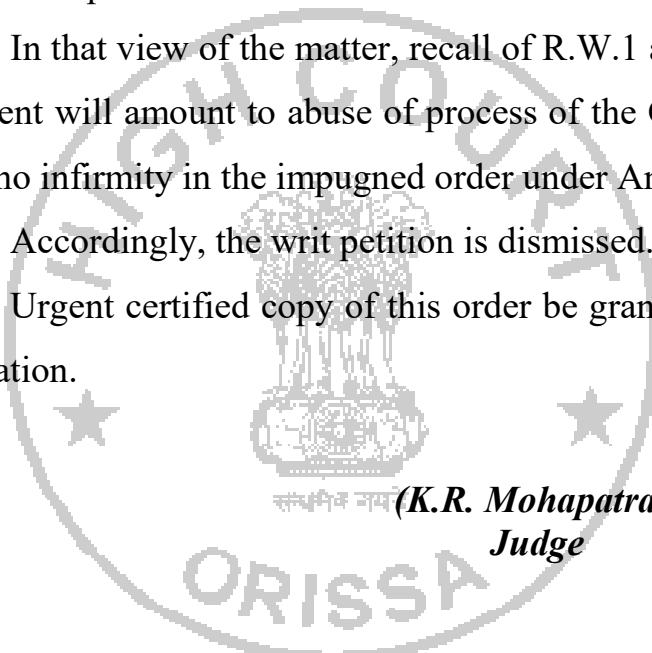
01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 2nd July, 2022 (Annexure-6) passed by learned Family Judge, Bhubaneswar in C.P. Case No.424 of 2016, whereby he rejected a petition dated 29th March, 2022 filed by the Petitioner to recall the Respondent (R.W.1)-Opposite Party No.1 for further cross-examination and to allow the Petitioner to confront Ext.7 to her.
3. Upon hearing Mr. Satpathy, learned counsel for the Petitioner and on perusal of the impugned order under Annexure-6, it appears that the C.D. in question has been marked as Ext.7 without objection on behalf of the Petitioner on 12th December, 2018. The P.W.1 (Petitioner) was also cross-examined by the Respondent on 17th February, 2020. Further, R.W.1 was also cross-examined at length on 12th November, 2021 and 29th November, 2021. On those dates of her cross-examination, no question has been put to her on behalf of the

Petitioner with regard to contents of the C.D. vide Ext.7. Mr. Satpathy, learned counsel for the Petitioner, however, submits that R.W.1 was recalled and cross-examined on 6th July, 2022 as well as CD was also confronted to her on that date. The civil proceeding is at the stage of argument. At this stage, if such an application for recalling of R.W. 1 to confront Ext.7 at a belated stage is allowed, it will certainly amount to patch up the lacuna and will prejudice the Respondent. The petition is also against the spirit of Order XVIII Rule 17 C.P.C.

4. In that view of the matter, recall of R.W.1 at the stage of argument will amount to abuse of process of the Court. Hence, I find no infirmity in the impugned order under Annexure-6.

5. Accordingly, the writ petition is dismissed.

Urgent certified copy of this order be granted on proper application.

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, flanked by two stars. Below the capital is the text 'सत्यमेव जयते' (Satyameva Jayate). The word 'ORISSA' is written in a semi-circle at the bottom. The text '(K.R. Mohapatra)' and 'Judge' are written below the seal.
(K.R. Mohapatra)
Judge