

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11573 OF 2023

M/s. S.I.B. (India) Constructions,
Through its proprietor
I.B. Siddiqui, Age 46 years,
Occu. Proprietyor,
Arafat Chowk, Nath Nagar,
Nanded Road, Latur, Dist. Latur

.. Petitioner
(Original Defendant)

Versus

Shubham Sales Corporation
Through its Proprietor,
Suresh S/o. Nandkishor Sharma,
Age 22 years, Occu. Education,
Plot No.10, Latur Indistrial Estate,
Near Ashtvinayak Mandir Latur
R/o. Near Kalikadevi Mandir,
Old Ausa Road, Latur, Dist. Latur

.. Respondent
(Original Plaintiff)

Mr. Shrikant B. Madde, Advocate for Petitioner;
Mr. A. N. Sabnis, Advocate for Respondent

CORAM : S. G. MEHARE, J.

DATE : 17-10-2023

PER COURT :-

1. Mr. Sabnis, learned counsel has instructions to appear for the sole respondent.
2. Heard both learned counsels at the admission stage.
3. The petitioner is the original defendant in Special Civil Suit No.157 of 2017 pending on the file of the learned Civil Judge Senior Division, Latur.
4. The petitioner had applied for recalling the witness, namely, Pravin Dagadu Pade who was the witness of the plaintiff. The

prayer was made to recall the said witness for further examination.

5. The learned trial Court held that the petitioner got information in the year 2015-16 that the said witness was working somewhere else. It was a subsequent information, because, during the cross-examination of said witness, the present petitioner had already denied that the said witness was working for him. On the sole ground, the prayer to recall the witness to further cross-examination has been rejected.

6. Considering the facts of the case and the reasons for which the present petitioner intends to recall the said witness, the Court is of the view that no prejudice would be caused to the plaintiff, if the witness is recalled for further cross-examination. No doubt, it was a belated application, but the trial is yet not completed. The order refusing to recall plaintiff's witness, namely, Pravin Dagdu Pade, deserves to be quashed and set aside. Hence, the order :-

ORDER

- i) The writ petition is allowed.
- ii) The application of the petitioner (Exhibit-68) is allowed.
- iii) The plaintiff's witness Pravin Dagdu Pade be called for further cross-examination only to the limited points which have been mentioned in the application (Exhibit-68).

**(S. G. MEHARE)
JUDGE**