



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

WRIT PETITION NO.5321 OF 2023

(Shri Riddhishwar s/o Govindrao Warjekar Vs. Shri Narayandas Khandelwal (dead)
thr. LR. Mr. Satish s/o Narayandas Khandelwal and others)

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

Court's or Judge's orders.

Mrs. Bindiya J. Murkute, Advocate for Petitioner.

CORAM: ANIL S KILOR, J.

DATE: 25th AUGUST, 2023.

The application moved by the petitioner under Order XVIII Rule 17 of the Code of Civil Procedure (CPC) for re-examination of the applicant for proving the document came to be rejected by the learned Trial Court on the ground that the said document is already proved in other connected matter, therefore, it is not necessary to prove that agreement in the present case.

2. It is the settled law that Order XVIII Rule 17 of the CPC is primarily a provision enabling the court to clarify any issue or doubt, by recalling any witness either *suo moto*, or at a party's request, so the court itself can put questions and elicit answers.

3. In the present case, for the reason referred herein-above the court does not think it necessary to recall the witness. Hence, I do not find any error committed by the

learned Trial Court in not exercising discretion under Order XVIII Rule 17 of CPC. Accordingly, the writ petition is dismissed.

(ANIL S. KILOR, J.)