

23.12.2025
SL No.4
Court No.6
(gc)

CO 1936 of 2025

**Sanatan Mondal & Anr.
Vs.
Ananda Mondal & Anr.**

Mr. Debasis Nandi,
Mr. Kumaresh Dalal

.....for the Petitioners.

Mr. Souvik Das,
Mr. Rudranil Dan

...for the Opposite Parties.

1. This revisional application arises out of an order dated May 6, 2025 passed by the learned Civil Judge (Junior Division), 3rd Court, Serampore, Hooghly in Title Suit No.43 of 2011. By the order impugned, the learned Court allowed recall of P.W.1 for further cross-examination which was closed on December 19, 2022. This is a suit for eviction of a licensee. The petitioners and the opposite party no.2 are the brothers of the defendant/opposite party no.1. The opposite party no2. is also a plaintiff in the suit. The learned Court, although recorded that recall of witness cannot be allowed at the mere asking, permitted further cross-examination of the P.W.1 without recording any reasons.
2. Upon perusal of the application under Order 18 Rule 17 of the Code of Civil Procedure filed by the defendants, this Court finds that the said application is inadequate, vague and does not mention the nature

of questioning. The grounds on which the cross-examination would be done, or the questions to be put, have not been mentioned. Recall of witness under Order 18 Rule 17 cannot be allowed at the mere asking. Same can be only allowed under very exceptional circumstances, in exercise of inherent power under Section 151 of the Code of Civil Procedure. The Hon'ble Apex Court has held that the provision of Order 18 Rule 17 can only be invoked by a Court, if the Court wishes to put any clarificatory questions by recalling of witness. The order is unreasoned. I do not find any justification in allowing the recall of PW1 after more than a year from closure of cross-examination.

3. Under such circumstances, this revisional application is allowed.
4. The order impugned is set aside.
5. The dismissal of the application shall not preclude the defendants from taking further steps in this regard. However, the learned Trial Judge will decide such issue on merits, if the defendants approach the Court once again.
6. Accordingly, the revisional application is disposed of.
7. There shall be no order as to costs.
8. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)