

25.03.2026
Ct. No. 30
SL No. **21**
MKP

CO 1636 of 2024

Ashoke Kumar Dhole And Anr.

Vs.

Sujata Mondal And Ors.

Mr. Somnath Roy Chowdhury

Ms. Arpita Chowdhury

.....for the Petitioner

Ms. Shebatee Datta

Ms. Poulumi Roy

.....for the O.P.nos.1 & 2.

1. The revisional application has been preferred challenging an order dated April 5, 2024, passed by the Learned Civil Judge, Junior Division, 7th Court at Howrah, in Title Suit No.842 of 2019.
2. Vide the impugned order, the Trial Court passed an order in an application under Order 18 Rule 17 CPC, permitting the plaintiff to prove two deeds, which the Trial Court held was necessary for adjudication of the suit and directed the plaintiff to prove the said deeds by way of adducing evidence and also permitted

the defendants to cross-examine the witness on the said point, that is on the deed.

3. Order 18 Rule 17 CPC lays down as follows:

***“The Court** may at any stage of a suit recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.*

4. The said provision is a power granted to the Court, alone, to decide the necessity to recall any witness and take evidence necessary for proper adjudication as per the law of evidence.
5. It is for the Court to decide what evidence shall be adduced for clarification by recalling any witness, which it thinks fit, for proper adjudication of the suit.
6. Considering the said provision of the Code, this Court does not find any irregularity in the impugned order under challenge and as such, the order dated 05.04.2024 passed by the Learned Civil Judge, Junior Division, 7th Court at

Howrah, in Title Suit No.842 of 2019,
calls for no interference.

- 7.** The civil revision is **dismissed**.
- 8.** Trial Court to proceed expeditiously with the suit.
- 9.** Applications, if any, connected thereto stand dismissed consequently.
- 10.** Interim order, if any, stands vacated.
- 11.** Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]