

MHAH230003222019



R. C. S. 131/2019

Raghunath Lahanu Shinde  
Vs.  
Popat Govardhan Shinde & Others

ORDER BELOW EXH.58

The present application filed by defendants 1 to 6 seeking recall of witness Bhausahab Ramchandra Sidankar for further cross-examination.

2. The defendants contend that although the said witness has already been examined, certain important questions remained to be asked, and therefore his recall is necessary for the ends of justice and for complete adjudication of the dispute. It is further submitted that non-recall of the witness will cause irreparable loss to the defendants.

3. The plaintiff has filed a say on the overleaf of the application and opposing the application, contending that the application is vague, without any legal basis, and no provision of law supports such recall. It is further contended that the defendants have not disclosed what specific material fact was left out, and the application is filed only to delay the proceedings.

4. On perusal of the record, it is seen that the said witness has already been examined and the defendants had due opportunity to put all relevant questions during his examination. The application does not disclose

what specific questions or which material facts were left out, nor does it show any due diligence or sufficient cause for not putting such questions earlier.

5. Under Order XVIII Rule 17 of Civil Procedure Code, recall of a witness is a discretionary power of the Court, to be exercised only for clarification of evidence and not to fill up lacunae or to permit a party to improve its case. It is pertinent to note that, the said provision is not meant to allow parties to re-open evidence without showing compelling reasons.

6. In the present case, the defendants have not shown any necessity for clarification nor any exceptional circumstance justifying recall. The application is general, vague and lacking particulars. Allowing such an application would result in unnecessary delay of the trial. Thus, the Court finds no merit in the application. Hence, following order is passed.

### **ORDER**

1. The application filed by defendants 1 to 6 for recalling witness Bhausahab Ramchandra Sidankar is hereby rejected.
2. No order as to costs.

Place : Shrigonda.  
Date : 24-11-2025.

( P.V. Patil )  
Jt. Civil Judge, (J. D.)  
Shrigonda

**:-CERTIFICATE-:**

I affirm that, the contents of this pdf file order are same,  
word for word as per original order.

Case No.	:-	RCS. No. 131/2009
Name of Stenographer	:-	Smt. N. D. Dawat (Grade-3)
Court Name	:-	Jt. Civil Judge, J. D. & J. M. F. C, Shrigonda.
Date of Decision	:-	24-11-2025
Order signed by P.O. on	:-	24-11-2025
Order uploaded on	:-	24-11-2025