

MHAU070009222025



Spl. C.S. 16/2025
Balu Ashok Somase Vs. Ranjana Ajinath More

ORDER BELOW EXH.35

The present application is filed by plaintiff for re-examination of a witness namely Tanaji Thorat as per section 157 of Bhartiya Sakshya Adhinyam.

2. It is contention of plaintiff that, to prove his agreement of sale a witness called by him namely Tanaji Thorat was completely hostile in his cross examination. The said witness in his cross examination deposed exactly contrarary version of chief examination. Therefore, by way of this application Ld. Advocate of plaintiff prayed to allowed the re-examination of this witness.

3. The Defendant filed his say to the application. It is the contention of defendant that, the said application is not tenable in the eyes of law. The said witness called by plaintiff himself. He deposed correct version in his cross examination. There is no such provision available for re-examination. On above mentioned ground defendant pryaed to reject the application.

4. Heard both advocates at length.

5. Before analyzing contentions of both the parties, I think, it would be essential to scan relevant provision of Bhartiya Sakshya Adhinyam 2023. As per section 157, the court may in its

discretion, permit the person who calls a witness to put any question to him which might be put in cross examination by the adverse party. Thus, as per above section the discretion to grant the application is vested in court. The said discretion must be used by court, I think, in following circumstances. The re-examination be permitted primarily to explain, clarify or reconcile, ambiguous or new matters raised during cross examination. So it is proper to allow the application only when to clarify, ambiguous or new matters raised during cross examination. In view of above circumstances it is proper to scan the evidence of this witness namely Tanaji Thorat.

6. I have perused the cross examination of this witness. It transpires that he totally deposed against his own version in chief examination. In short though he is attesting witness of agreement to sale although in his cross examination deposed that he is not read the said agreement to sale. Thus this witness not supported the plaintiff in cross examination. So this is not a situation which needs to be re-examined by plaintiff himself. Therefore, it finds that there is no situation arises which needs to be clarified by way of re-examination. There is also no ambiguous or new matter raised in cross examination. Therefore, I am of opinion that it is not necessary to re-examine the witness. In view of above circumstances I have proceeded to pass following order.

ORDER

Application is hereby rejected.

Date : 27/03/2026.

R.N.Pathak
Jt. Civil Judge, Sr. Dn.
Gangapur.

C E R T I F I C A T E

I affirm that, the contents of this PDF file Judgment are same, word to word as per the original Order.

Name of the Stenographer : Balu Ashruba
Age Stenographer

Grade 2

Court : CJSD Court, Gangapur.

Judgment date : 27/03/2026

Judgment signed by the

Presiding Officer on : 27/03/2026

Judgment uploaded on : 27/03/2026