

IN THE CO-OPERATIVE COURT, NANDED

(Before Shri. B.S.lakhote,Judge)

The Parbhani District Central Bank Ltd Parbhani

DISPUTANT

VERSUS

Zilha Parishad Karmchari Sahakari Pat Sanstha

And Others.

OPPONENTS

ORDER BELOW EX.53

1. The opponents filed this application to recalled witness of disputant for cross examination to remove ambiguity. The contention of opponents that matter fixed for evidence of opponent and the opponent want to recalled witness of disputant for essential questions to remove ambiguity and accordingly prayed for relief. The disputant in replay submitted that opponents adduced evidence vide Ex. 48, 50, 51, and 52 and therefore there is no ambiguity and no need to recalled witness of disputant and prayed for rejection of application.

2. The point only whether the witness of disputant when cross examine by the opponents can be recalled. The opponents filed this application under order 18 rule 17 of CPC for recalling the witness. As far as the order 18 rule 17 of CPC is concerned, the court may recalled and examine witness at any stage of the proceeding and may put such questions to him as court thing fit. When the opponents filed application for recalling the witness of disputant who has been already cross examine by the opponents at Ex. 24, the opponents ought to have mention the reason in the application and required to show what ambiguity is remain in the evidence. Firstly it is required to mention that the order 18 rule 17 of CPC empower the

court only to put the questions to the witness recalled under order 18 rule 17 of CPC and the power can be exercise in exceptional circumstances and not on the application of the party. The word ambiguity as mention by opponents in the application is concerned to the court who found after examination of witness from the face of document that there is a ambiguity and then the court may recalled the witness to remove the said ambiguity. The opponents has already cross examined to the disputant witness and thereafter the opponents examined 4 witnesses and then filed this application which is not tenable. Therefore for the reason mention above the application is liable to rejected Accordingly I proceed to passed following order.

ORDER

1. The application is hereby rejected
2. No order as to cost.

Place: Nanded
Date : 25/02/2026

Judge
(B.S.Lakhote)
Co-operative court Nanded