

**R.C.S./6/2018****Shri Dattatray Ramchandra Shete****Vs.****Shri Bhagavan Tukaram Shete****Order below Exh.58**

1. The defendant has filed this application for recalling of witness under O.18 R.17 of CPC.
2. The Plaintiff has filed the say and resisted the application.
3. The Ld. Advocate on behalf of Defendant has submitted that the testimony of Plaintiff was recorded at Exh.37. The cross examination of Plaintiff was completed on 12/12/2025. The Plaintiff has deposed the description about his payment and he further deposed that he may not produce evidence for such payment. However during cross examination the details of payment were not asked. However it is necessary to ask the clarification of amount paid by Plaintiff. If such cross examination is conducted then the real truth may come on record. Therefore it is necessary to recall the witness for further cross examination. At last he prayed that application be granted.
4. The Ld. Advocate on behalf of Plaintiff has submitted that the cross examination is already completed. The reasons mentioned by the Defendant are not proper. The application deserves to be dismissed. At last he prayed that application be rejected.

5. Perused application and say filed by Plaintiff.

6. It appears from record that testimony of Plaintiff was completed on 12/12/2025. However considering the provisions of CPC it would be proper to recall the witness. However delay caused to proceeding cannot be ignored. Hence I pass following order.

Order

The application at Exh.58 is granted subject to costs of Rs.500/- payable to Plaintiff.

Panhala
Date – 03.01.2026

Sd/-
K. D. Kakatkar
Jt. Civil Judge Junior Division Panhala.