

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 584 OF 2018

RASIK CONSTRUCTION, THR. THEIR
PARTNER, RASIKLAL MOHANLAL
GANGANI.,

... Petitioner

Versus

DEVANAND ARJUN NAIK AND ANR.,

... Respondents

Shri Rohit Bras De Sa, Advocate for the petitioner.

Coram:- C. V. BHADANG, J.

Date:- 20th June 2018

ORAL ORDER :

Heard Shri De Sa, the learned Counsel for the petitioner, for some time.

2. There are in all four substantive issues framed by the learned Trial Court, out of which, the burden in so far as issue nos.1 and 2 is on the plaintiffs while the burden to prove issue nos.3 and 4 is cast on the defendants. The respondents/ plaintiffs had filed an application under Order XVIII, Rule 3 of CPC, for permitting the respondents to reserve their right to lead evidence on issues, in respect of which the burden is cast on the defendants, in rebuttal, which application has been granted by the learned Trial Court by the impugned order dated 07/09/2017.

3. The only contention raised by Shri De Sa, the learned Counsel for the petitioner is that the order does not specifically mention that the right of rebuttal would be in respect of issue nos.3 and 4 in respect of which, the burden is cast on the petitioners/ defendants. It is evident that the respondents/ plaintiffs can only reserve a right of rebuttal in respect of issue nos.3 and 4 in respect of which, the burden is cast on the petitioners/ defendants.

4. With this the petition is disposed of.

C. V. BHADANG, J.

SMA