

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.1907 of 2018

ORDER:

Heard Ms.D.Pramada for petitioner.

The defendant, aggrieved by the order in I.A.No.836 of 2017 filed by the plaintiffs under Order XVIII Rule 3 CPC, has filed instant Civil Revision Petition. The respondent in I.A.No.836 of 2017 prayed for permission of the Court to adduce rebuttal evidence on issue Nos.4, 5, 6, 7, 8 and 9.

The application was opposed by the revision petitioner. Before taking up, whether the step initiated by respondents is correct or not, let me refer to the issues on which the request of plaintiffs for leading rebuttal evidence is accepted by the trial Court.

- “4. Whether the plaintiff B schedule properties were given to the defendant at the time of her marriage and if so is exclusive owner and possessor of the properties?
5. Whether the defendant is exclusive owner and possessor of A and B schedule properties?
6. Whether the defendant spent nearly Rs.80,000/- towards funeral rites and other connected ceremonies of her deceased mother Andalamma and if so she is entitled for recovery of that amount from the money deposited by her parents in post office at Medipalli?

7. Whether the name of the father of the defendant is Vorganti Linga Rao and not Cheeti Narayana Rao as pleaded in the written statement?
8. Whether the ages of the plaintiffs No.1 and 2 and the defendant are 60, 58 and 58 respectively as pleaded in the written statement?
9. Whether late Cheeti Narayanarao executed will deed dated 10.04.1966 in favour of his wife Cheeti Buchakka and defendant?"

A bare reading of the above issues shows that substantially, burden is on the defendant to lead evidence and discharge the burden. Hence, the respondents have rightly reserved the right to lead rebuttal evidence. The trial Court which has seized of all the issues has rightly allowed the application. I do not see any error warranting interference of this Court, under Article 227 of Constitution of India.

The Civil Revision Petition fails and accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 23.03.2018
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