

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO.9741 OF 2018

TAHSEEN JILANI KOKNI AND OTHERS
VERSUS
NEERAJSINGH HARISINGH THAKUR

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Advocate for Petitioners : Shri A.V. Wayal

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CORAM : RAVINDRA V. GHUGE, J.

Dated: March 27, 2019

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PER COURT :-

1. The petitioner is aggrieved by the order dated 9.10.2015, passed by the trial court, vide which, application Exhibit 18, filed by the plaintiff seeking correction in issue No.2, in SCS No.40 of 2014, has been rejected.

2. I have heard the learned Advocate for the petitioner and have gone through the petition paper book with his assistance.

3. The petitioners are the plaintiffs, who have specifically pleaded in the plaint that they have not executed any sale deed or relinquishment deed in favour of the defendant on 13.4.2011 and the said document is false, fabricated, bogus and illegal.

4. The defendants denied the said allegation. The trial Court, therefore, framed issue No.2 as follows:-

akl/d

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2- WRIT PETITION NO.9741 OF 2018

*" Do plaintiffs prove that sale deed dated 13.4.2011 and
relinquishment deed in respect of suit property is false and bogus?"*

5. The plaintiffs claim that this issue needs to be modified so as to place the burden of proof on the defendants.

6. I find that the trial Court has rightly applied the law and has rejected application Exhibit 18. The principle of 'One who pleads has to prove' is squarely applicable. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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