

ORIGINAL CIVIL.

Before Mr. Justice Sale.

1902
January 16.

In re DUKSHINA MOHUN ROY, DECEASED. *

*Practice—Suit—Plaintiff's case closed—Both defendants with same interests—
Right of second defendant to open case before or after evidence has been
gone into on behalf of first defendant.*

Held, when there are two sets of defendants and their interests are the same, both should address the Court before any evidence is taken.

DURING the hearing of this case, in which there were two sets of defendants, after the plaintiff's evidence had concluded and after the first defendant had opened his case, Counsel for the plaintiff raised the question as to whether or not the second defendant should open his case before the first defendant's evidence had been gone into.

Mr. Jackson for the plaintiff: I submit that the second defendant should open his case before the first defendant commences to examine his witnesses.

Mr. Chakravarti for second defendant: I oppose *Mr. Jackson's* contention, and submit that it is not necessary for the second defendant to open his case, until after the first defendant has closed his case.

SALE J.—My view is this, that, where there are two sets of defendants and their interests are practically the same, both should address the Court before any evidence is gone into.

Attorneys for the plaintiff: *G. C. Chunder & Co.*

Attorneys for the first defendant: *N. C. Bural & Co.*

Attorneys for the second defendant: *B. N. Bose.*

R. G. M.

* Suit No. 12 of 1901.
