

CPC O. 18 – So far as the defendants go, the question which of the defendants should begin has not been dealt with in Order 18, C. P. Code. But on general principle, if any of the defendants supports the plaintiff in whole or in part, then he should address the Court and lead his evidence first before the other defendants who do not support wholly or in part the plaintiff's case. The order in which defendants lead evidence becomes important only when some of them support the case of the plaintiffs in whole or in part while the others do not. If all the defendants completely oppose the plaintiff's case, then the question of order of leading evidence amongst the defendants is immaterial. It is only when the defendants are divided into two groups, one group consisting of the defendants supporting the plaintiff's case in part and the other group consisting of defendants, who do not support the plaintiff's case in any part that the question of order of leading evidence becomes important. In such cases among defendants the order of leading evidence should be as follows:

- (1) Those defendants who fully support the case of the plaintiff.
- (2) Those defendants who partly support the case of the plaintiff.
- (3) Those defendants who do not support the case of the plaintiff in any part.'

*Shah Hiralal Himatlal v. M.G. Pathak, AIR 1964 Gujarat 26*