**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**203-1**

**CR-1614-2018**
**Decided on : 24.03.2022**

Amandeep

. . . Petitioner(s)

Versus

Davinderpal Kaur and others

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**(Through Video Conferencing)**

PRESENT: Ms. Sandeepta Mehta, Advocate
for the petitioner(s).

Mr. Karunash kaushal, Advocate
for respondent No.1.

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**MANJARI NEHRU KAUL, J. (Oral)**

The instant revision petition has been filed under Article 227 of the Constitution of India, for setting aside the order dated 15.02.2018 (Annexure P-2), passed by the Court of Civil Judge (Jr. Divn.), Dabwali, vide which the evidence of the petitioner/defendant No.1 was ordered to be closed in a suit for declaration and permanent injunction filed by the plaintiff/respondent No.1.

Learned counsel for the petitioner/defendant No.1 contends that without assigning any justifiable reason, the Court below closed the evidence of the defendants including that of the petitioner/defendant No.1, which has resulted in grave miscarriage of justice. Learned counsel has submitted that the plaintiff/respondent No.1 on the one hand had concluded her evidence after almost three years, whereas, in the case of the defendants, who were living in United States of America (for brevity 'USA'), their evidence was closed by Court order without appreciating that the witnesses to the Will of the petitioner/defendant's father, were unable to travel to India on account of their ill health.

Learned counsel for respondent No.1 while vehemently opposing the prayer and submissions, submitted that the Court below had already been very magnanimous in granting as many as 18 effective

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opportunities to the defendants to tender their entire evidence, but they had failed to do so. It was submitted that it was very obvious that as the case was now posted for final arguments, the petitioner/defendant was just trying to delay the trial.

I have heard learned counsel for the parties and perused the relevant material on record.

A perusal of the impugned order (Annexure P-2) reveals that the evidence on behalf of the respondent/plaintiff was closed on 07th January, 2017 and thereafter, the case was fixed for evidence of the defendants including the petitioner for 09th January, 2017. Even though as many as 18 effective opportunities were given to the defendants to tender their entire evidence, however, despite last opportunity given on 14.11.2017, they had failed to adduce the same, as a result of which, the Court below rightly closed the evidence on behalf of the defendants by Court order. The learned counsel for the petitioner/defendant No.1 has failed to bring to the notice of this Court any cogent reason, which prevented the petitioner/defendant No.1 and other defendants to tender their evidence between 09th January, 2017 till 15th November, 2018.

Accordingly, the revision petition being devoid of any merit, stands dismissed.

**(MANJARI NEHRU KAUL)**
**JUDGE**

**March 24, 2022**
*J.Ram*

*Whether speaking/reasoned: Yes/No*
*Whether Reportable: Yes/No*

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