

123 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-2336-2022  
Decided on : 04.07.2022

Puppy @ Parveen Jain and another

..... Petitioners

Versus

Jai Mala Jain @ Mala Devi Jain (deceased)  
thr. her LRs and another

..... Respondents

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

Present : Mr. Pardeep Panwar, Advocate  
for the petitioners.

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**Manjari Nehru Kaul, J.(Oral)**

This is the second petition filed under Article 227 of the Constitution of India for setting aside the order dated 06.02.2020 (Annexure P-1) vide which the evidence of the defendant had been closed.

Learned counsel for the petitioners inter alia contends that the evidence of the defendants-petitioners was closed vide impugned order dated 06.02.2020 (Annexure P-1) without appreciating that the husband of petitioner No.1 was unwell and it was precisely for this reason she was unable to lead her evidence. In support of his submissions, learned counsel has drawn the attention of this Court to the medical record of the husband of the petitioner, which is annexed as Annexure P-3 with the paper book.

On a pointed query put to learned counsel as to what is the stage of trial, he fairly submits that the trial is at the fag end and fixed for final arguments.

Heard learned counsel and perused the relevant material available on record.

The medical record annexed as Annexure P-3 reveals that it

does not even pertain to the period when the Court below had been granting repeated adjournments and opportunities to petitioner No.1 to lead her evidence. The petitioner was duly represented by her counsel on all dates of hearing before the trial Court, however, not even once any such prayer was made by the petitioner through her counsel nor this ground taken before the trial Court that on account of the petitioner's husband's ill health, she was unable to lead evidence. Moreover, since the trial is nearing conclusion and as submitted by the learned counsel, the case is fixed for final arguments, this Court does not find any merit in the instant revision petition.

Accordingly, the instant petition stands dismissed.

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

04.07.2022

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable :       | Yes/No |