

**CR-368-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH****(287)****CR-368-2024 (O&M)  
Date of decision:- 15.07.2025****Suraj Mohan Sharma****... Petitioner****Versus****Parveen Lata Ahuja****... Respondent****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Suresh Kumar, Advocate and  
Mr. Ramesh Sharma, Advocate  
for the petitioner.

Mr. Baljeet Singh Kathuria, Advocate  
for the respondent.

**\*\*\*\*****SUVIR SEHGAL, J. (ORAL)**

1. Aggrieved of orders dated 06.05.2022 and 25.10.2023, passed by the learned Civil Judge (Junior Division), Chandigarh, whereby after framing the issues, defendant has been called upon to lead evidence at the first instance, defendant-petitioner has filed the instant revision petition.
2. Counsel for the petitioner submits that respondent-plaintiff has filed a suit, Annexure P-1, for recovery of Rs.20,02,000/-, which is being contested by the defendant and on the basis of the pleadings of the parties, Trial Court framed issues vide order dated 06.05.2022, Annexure P-3. Counsel states that the Trial Court has erroneously called upon the defendant to begin with the evidence vide impugned order, Annexure P-3, and an application for review of



**CR-368-2024 (O&M)**

**-2-**

the said order has been erroneously declined vide impugned order dated 25.10.2023. Counsel urges that the Trial Court has wrongly placed the onus of issues on the defendant, whereas the initial burden is always on the party, who asserts the same in the affirmative. Placing reliance upon *Apeejay School, Charkhi Dadri and others Versus Sh. Ravidas Seva Ashram Charkhi Dadri and another, 2020 (1) RCR (Civil) 554,* he contends that the burden to prove the issues should have been placed on the plaintiff.

3. *Per contra*, while supporting the impugned order, counsel for the respondent has relied upon *Hitesh Bansal Versus Neelam Gupta (CR-6576-2023, decided on 03.05.2025)* to assert that onus has rightly been placed on the defendant, who has to initiate the evidence.

4. I have heard counsel for the parties and considered their respective submissions, besides examining the documents placed on the record.

5. Plaintiff has filed a suit, Annexure P-1, averring that she had lent an amount of Rs.13 lacs to the defendant in 2015, which was to be repaid along with interest and when he failed to repay the amount, she instituted the suit for recovery of Rs.20,02,000/-, inclusive of interest. Suit is being contested by the defendant by filing a written statement, Annexure P-6, wherein it has been stated that Vikramjit Ahuja, son of the plaintiff, had taken a loan of Rs.17 lacs from the defendant and returned an amount of Rs.13,20,000/-. A stand has been taken that an amount of Rs.2,80,000/- is still due from Vikramjit Ahuja. It was categorically denied that plaintiff had lent any money to the defendant, and that no loan was ever taken by him. On the basis of the pleadings of the parties, the Trial Court framed the following issues on 06.05.2022:-



CR-368-2024 (O&amp;M)

-3-

- “1. Whether, the amount of Rs.13 lakh was paid to the defendant by of refund of loan amount taken by Vikramjit Ahuja (son of the plaintiff) from defendant. If so, its effect? OPD
2. If issue no.1 is decided against the defendant, whether the plaintiff is entitled to recover Rs. 13 lakh from the defendant ? OPP
3. If issue no.1 is decided against the defendant and issue no.2 is decided in favour of the plaintiff then to what rate of interest is the plaintiff entitled to recover from the defendant on the amount of Rs. 13 lakh?
4. Relief.”

6. Besides denying that loan was ever advanced to him, defendant has taken a categoric stand that the amount of Rs.13 lacs, which was transferred through banking transactions, is in-fact a refund of the amount advanced by him to plaintiff's son. The onus to establish that defendant had extended a loan to Vikramjit Ahuja, who had returned an amount of Rs.13,20,000/- is on the defendant. Therefore, this Court is of the view that the burden to prove the issue has rightly been placed upon the defendant by the Trial Court vide order dated 06.05.2022. The observations of this Court in *Apeejay School's case (supra)* would not come to the aid of the petitioner. It has been held by this Court in *Hitesh Bansal's case (supra)*, that Order 18 Rule 1, CPC specifically provides that it is the plaintiff, who has a right to begin, unless defendant admits the facts alleged by the plaintiff and contends that either in point of law or some other additional facts alleged by the defendant, plaintiff is not entitled to any part of the relief, which he seeks. In such a case, it is the defendant, who has the right to begin. There is no illegality in the impugned orders passed by the Trial Court, warranting any intervention of this Court in exercise of its supervisory powers.

**CR-368-2024 (O&M)****-4-**

7. Finding no merit in the revision petition, it is dismissed with no order as to costs.
8. Pending application is disposed of.

15.07.2025  
*Kamal*

**(SUVIR SEHGAL)**  
**JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No