



In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 6797 of 2023

Singla Shopping Mart

... Petitioner(s)

Versus

M/s Vivid Velocity

... Respondent(s)

AND

2. Civil Revision No. 7185 of 2023

Singla Shopping Mart

... Petitioner(s)

Versus

M/s Vivid Velocity

... Respondent(s)

DATE OF DECISION: 01.04.2025

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Aman Mittal, Advocate
for the petitioner(s).

Mr. Jagraj S. Khiva, Advocate
for the respondent.

Anil Kshetarpal, J.

1. With the consent of the learned counsel representing the parties, the two connected revision petitions shall stand disposed of by a common order.

2. In Civil Revision No. 6797 of 2023, the petitioner (the defendant) assails the correctness of the Trial Court's order directing the defendant to prove the issue.

3. The plaintiff filed a suit for mandatory injunction on the ground that the defendant agreed to deliver the grocery items of superior quality to the plaintiff worth ₹11,72,900/-, which were received by the defendant, but the defendant delivered the grocery items of ₹7,52,171/-.

4. The defendant, while contesting the suit, alleged that he has supplied goods to the plaintiff worth ₹11,72,900/- through different invoices.

5. The Trial Court culled out the following issues:-

- “1. Whether the plaintiff is entitled for mandatory injunction as prayed for? OPP*
- 2. Whether the suit of the plaintiff is not maintainable? OPD*
- 3. Relief.”*

6. Subsequently, the plaintiff filed an application for framing the proper issues and shifting the onus upon the defendant who had alleged that the entire material was supplied to the plaintiff. The Trial Court allowed the application. It is evident that the plaintiff alleges that the defendant has failed to supply the superior quality grocery items, whereas the defendant asserts that he has already supplied the same. Hence, the onus is upon the defendant to prove that he has supplied the grocery items worth ₹11,72,900/-. The onus to prove the issue is upon the defendant. Hence, there is no reason to interfere with the impugned order passed by the Trial Court. Consequently, Civil Revision No. 6797 of 2023 is dismissed.

7. In Civil Revision No. 7185 of 2023, the defendant's application to return the plaintiff's plaint on the ground of lack of territorial jurisdiction has been dismissed. The Court, after examining Section 20 of the Code of

Civil Procedure, 1908, has found that there is no ground to return the plaint because part of the cause of action accrued in the territorial jurisdiction at Mansa. Moreover, this issue can be decided only after permitting the parties to lead evidence.

8. Consequently, Civil Revision No. 7185 of 2023 is disposed of with the observation that the petitioner shall be at liberty to request the Trial Court to cull out the distinct and separate issue of jurisdiction which shall be decided by the Court uninfluenced with the observations made in the impugned order.

**(Anil Kshetarpal)
Judge**

**April 01, 2025
“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No