

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

CR-191-2023 (O&M)

Date of Decision: 12.01.2023

Ranbir Singh

.....Petitioner

Versus

Naresh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Manoj Tanwar, Advocate
for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein, under Article 227 of Constitution of India, is for setting aside order dated 28.09.2022 (Annexure P-1), whereby the names of respondents No.5 to 8 have been struck off from the application filed by plaintiff/petitioner for taking action against respondents No.1 to 8 allegedly for committing contempt of Court by violating the injunction order dated 22.02.2021 (Annexure P-3).

2. I have heard learned counsel for the petitioner and gone through the case file.

3. No interference is called for in the impugned order dated 28.09.2022 (Annexure P-1) assailed herein, which is premised, *inter alia*, on the following reasoning:

“xxx

xxx

xxx

From the perusal of the case file, it is made out that since the present application has been filed by the plaintiff under Order Rule 2A CPC for requesting to take action against the respondents for committing contempt of court by violating the injunction order dated 22.02.2021 passed in main case bearing CIS no. 91/2021 titled 'Ranbir Vs. Naresh'. However respondents no 5 to 8 are not the party to the main case. Therefore it cannot be said that respondents no 5 to 8 were

bound by the order of the court dated 22.02.2021. From the facts of the present application, it is also made out that respondents no 5 to 8 were only acting in discharge of their official duty. Therefore, since the said respondents were not the party to the main case, then it cannot be said that respondent no 5 to 8 could commit contempt of the order of the court dated 22.02.2021. Perusal of the order dated 22.02.2021 reveals that no directions have been passed against the police by the court in any manner.

Therefore, this court is of the considered opinion that respondent no 5 to 8 have been improperly and unnecessarily impleaded as a party in the present application, which shall only lead to their unnecessary harassment. Therefore names of the Respondent no 5 to 8 are hereby struck off from the present application in interest of justice exercising powers u/o 1 rule 10(2) CPC.”

4. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary revisional jurisdiction vested with this Court.
5. There is no room for interference in the aforesaid valid reasons recorded by the trial Court, with which I am in agreement. However, it is made clear that if at a later stage, learned Trial Court is of the opinion that there has been any violation of the order by any third party for the benefit of the defendant, then it shall independently assess the situation and striking off the names of respondents No.5 to 8 shall not come in the way of issuance of notice to any or all of them, if so warranted.
6. Disposed of in the above terms.

(ARUN MONGA)
JUDGE

January 12, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No