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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 3853/2024**

KULDEEP SINGH

.....Petitioner

Through: Mr. Pawan Sharma, Adv.

versus

TARA DEVI & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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20.11.2024

CM APPL. 67327/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 3853/2024 & CM APPL. 67326/2024 (Stay)

1. The petitioner is the plaintiff in suit for Damages, Defamation and Permanent Injunction. He challenges the order dated 18.07.2024 passed by the learned District Judge-03 (South), Saket District Court, New Delhi, whereby the application filed by respondent No.4 under Order I Rule 10 CPC was allowed and respondent no.4 was deleted from the array of parties.
2. The order has been challenged by the learned counsel for the petitioner on the ground that there are allegations against respondent No.4 by way of averments in the plaint which are subject matter of the trial.
3. It is submitted that respondent No.4 is a necessary and proper party



therefore, the impugned order suffers from illegality and impropriety.

4. In support of his submissions, learned counsel mainly places reliance on the averments made in Para Nos. 5, 10 & 18 of the plaint.

5. However, on perusal of the said paragraphs, it is found that the averments made are general and vague in nature and there is no specific averment against respondent No.4.

6. The learned Trial Court rightly concluded that such averments are bald and general in nature and they did not constitute cause of action against respondent No.4.

7. The learned Trial Court had also taken note that in the Memo of Parties, the address of respondent No.1 is different from the address of the other respondents. However, in Para No.2 of the plaint, it is mentioned that all the respondents are the resident of abovementioned address, which in fact is not mentioned anywhere.

8. In the absence of any specific averments made against respondent No.4, it has been rightly concluded by the learned Trial Court that respondent No.4 is neither necessary nor a proper party. There is no merit in the petition filed by the petitioner. The present petition is accordingly dismissed.

RAVINDER DUDEJA, J

NOVEMBER 20, 2024/sk