**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****221****CR-163-2025 (O&M)****Date of decision: 13.03.2026****Raj Kumar****...Petitioner(s)****Vs.****Suman Devi and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Parminder Singh, Advocate for the petitioner.

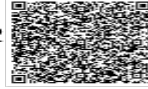
Ms. Sonia G.Singh, Advocate for the respondents.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the plaintiff laying challenge to the order dated 04.12.2024 (Annexure P-6); whereby application filed by the defendants/respondents No.2 and 3 under Order 1 Rule 10(2) CPC read with Section 151 CPC for deleting their names, has been partly allowed.

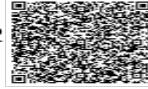
2. On 14.01.2025, when the case was listed for hearing, following order was passed by this Court: -

"Prayer in the present petition filed under Article 227 of the Constitution of India is for setting aside the order dated 04.12.2024 (Annexure P-6) passed by the learned Civil Judge (Jr. Divn.), Karnal whereby the application filed by respondent No.3 for deletion of her name in the array of parties, has been allowed.



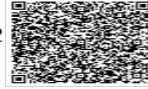
Brief facts of the case are that the petitioner/plaintiff had filed a suit for damages on account of defamation and harassment on account of the fact that respondent No.1/defendant no.1 had lodged an FIR No.197 dated 29.7.2022 under Sections 354, 354-D, 376 and 511 IPC, at Police Station Nigdhu, District Karnal against the petitioner. The allegation against the petitioner in the said FIR No.197 dated 29.7.2022 is that he had chased the complainant, teased her and that on 28.7.2022 the petitioner had tried to do forcible act with the complainant/respondent No.1. Subsequently, after investigation, as per the final report (Annexure P-2), offences under Sections 376 and 511 were deleted from the said FIR.

It is the case of the petitioner that the said FIR was lodged by respondent no.1 in connivance with respondents no.2 and 3/defendants no.2 and 3 to restrain the petitioner from making a complaint against the liquor vend of respondents No.1 and 2. It is further stated that the allegations made in the FIR are utterly false and fabricated. Accordingly, the petitioner had filed the present Civil Suit dated Nil (Annexure P-1) for damages on account of false accusations, defamation and harassment committed by the defendants/respondents No.1 to 3 herein. In the said suit, the respondents no. 2 and 3 had filed an application dated Nil (Annexure P-4) under Order 1 Rule 10(2) of CPC read with Section 151 CPC for deleting the name of defendants No.2 and 3. Defendant/respondent No.3 had sought deletion of her name from the array of defendants on the ground that continuance of defendant No.3 as party in the said suit would constitute miscarriage of justice. The petitioner had duly filed reply dated Nil (Annexure P-5), to the said application seeking dismissal thereof.



Vide the impugned order dated 04.12.2024 (Annexure P-6) the application (Annexure P-4) for deleting the name of defendants No.2 and 3 was partly allowed and the name of defendant No.3 was struck off from the suit as it was found that she was not necessary party to the suit. Hence the present revision petition.

Learned counsel for the petitioner has argued that the impugned order 04.12.2024 (Annexure P-6) deserves to be set aside as the respondent No.3 had played an active role in lodging of the FIR No.197 dated 29.7.2022 against the petitioner. It is submitted that therefore the learned trial Court has wrongly allowed the application of respondent No.3 by stating that she is not the necessary party to the proceedings/suit. It is submitted that the said FIR No.197 dated 29.7.2022 was motivated and was registered by respondent No.1 in connivance with respondents No.2 and 3 in order to pressurize the petitioner to stop him from making complaints against the liquor vend of the respondents No.1 and 2, to the local administration. However, the learned trial Court had failed to appreciate this fact while passing the impugned order dated 04.12.2024 (Annexure P-6). It is further submitted that in para 19 of the plaint (Annexure P-1) it has been specifically pleaded by the petitioner that the defendant/respondent No.3 had made a supplementary statement dated 5.8.2022 under Section 161 Cr.P.C. (Annexure P-3) wherein she had specifically alleged that the petitioner 'was doing forcible act with my Mami'. It is submitted that in fact the complainant/defendant No.1 in her statement under Section 164 Cr.P.C. had made no such allegations against the petitioner; whereas the respondent No.3 had made the said supplementary statement (Annexure P-3) which was in variance with the statement of defendant



No.1/complainant recorded before the Magistrate. It is contended that from the above facts it is clear that the defendant No.3 in common criminal conspiracy with the other defendants had made false statements at every stage by changing her version. Therefore, defendant/respondent No.3 was a necessary party; and the impugned order dated 04.12.2024 (Annexure P-6) could not have been passed.

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

Order 1 Rule 10(2) CPC stipulates that such a person be added to the suit without whose presence, 'the question involved in the suit cannot be decided finally and effectively'. In the present case, perusal of the supplementary statement dated 05.8.2022 (Annexure P-3) made by respondent No.3 shows that she has categorically stated therein that she had seen the petitioner 'doing forcible act with my Mami'. The only ground cited in the impugned order dated 04.12.2024 (Annexure P-6) for striking off the name of defendant No.3 is that she was not shown to be necessary party to the suit. The said observation appears to be incorrect being contrary to the supplementary statement (Annexure P-3) made by the respondent No.3 under Section 161 Cr.P.C."

3. The only argument made by Id. Counsel for respondent No. 3 is that she has been falsely and incorrectly involved in the matter as the FIR in question has not been registered by her/respondent No.3.

4. However, I find no merit in the said submission as the respondent No.3 has not denied the aforesaid facts recorded and observations made in the order, dated 14.01.2025; from which it is clear that the petitioner has been implicated in the matter on the basis of the



allegations made by the respondent no.3. As such, she is an integral part of the dispute at hand; and is therefore a necessary party. Reasoning of the learned trial court while allowing this deletion is that main dispute is between the plaintiff and defendants no.1 and 2. However, for the above noted reasons, the said reasoning is incorrect being contrary to the facts on record; and as recorded in the order dated 14.01.2025.

5. In view of the above, present petition is **allowed**; and the impugned order dated 04.12.2024 (Annexure P-6) is set aside only qua the deletion of name of respondent No.3.

6. Pending application(s) if any also stand(s) disposed of.

13.03.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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