

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

CR-3981-2026**Date of decision: 12.05.2026****Manish Kumar Garg**

. . . . Petitioner

Vs.

Beant Kaur and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.Kashish Garg, Advocate, for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The present revision petition has been filed by defendant No.3- petitioner assailing the order dated 10.04.2026 (Annexure P-4) passed by the learned Civil Judge (Junior Division), Bathinda, whereby the application moved by the petitioner under Order 1 Rule 10 CPC for deletion of his name from the array of defendants has been dismissed.

2. Briefly noticed, the plaintiffs instituted a suit for permanent injunction restraining the defendants from dispossessing them from the first floor portion of the residential house in question and also seeking restraint against alienation of the suit property. The case set up by the plaintiffs was that defendant No.3, in connivance with defendants No.1 and 2, was interfering in their peaceful possession and extending threats of dispossession.

3. During pendency of the suit, defendant No.3 filed an application under Order 1 Rule 10 CPC contending that he had been wrongly impleaded as a party as neither any relief had been claimed against him nor did he have any concern with the suit property. It was further pleaded that he was neither owner nor in possession of the suit property and, therefore, his name deserved to be deleted from the array of parties.

4. The said application was contested by the plaintiffs by specifically asserting that defendant No.3 was acting in connivance with defendants No.1 and 2 and was threatening to dispossess the plaintiffs from the suit property. It

was also pleaded that relief of injunction had been sought against all the defendants including defendant No.3 and, therefore, he was a necessary and proper party to the lis.

5. Learned trial Court, after considering the rival submissions, dismissed the application by observing that the plaintiffs had specifically alleged interference and threats at the hands of defendant No.3 and that his presence was necessary for effective and complete adjudication of the controversy involved in the suit.

6. Learned counsel for the petitioner has argued that the impugned order suffers from patent illegality inasmuch as no substantive relief has been claimed against defendant No.3 and the plaint does not disclose any cause of action against him. It is contended that continuation of proceedings against the petitioner would amount to abuse of process of law.

7. I have heard learned counsel for the petitioner and perused the record.

8. The scope of interference in revisional jurisdiction is extremely limited. Unless the order impugned suffers from patent illegality, jurisdictional error or material irregularity causing grave injustice, interference by this Court is unwarranted.

9. In the present case, the plaintiffs have specifically pleaded that defendant No.3, in connivance with the other defendants, was interfering in their peaceful possession and threatening dispossession. The suit itself is one for permanent injunction. Therefore, at this preliminary stage, it cannot be said that no cause of action whatsoever has been disclosed against the petitioner. Whether such allegations are ultimately proved or not is a matter to be adjudicated during trial on the basis of evidence led by the parties.

10. It is well settled that while considering an application under Order 1 Rule 10 CPC, the Court is not expected to conduct a mini trial regarding the correctness of allegations contained in the plaint. The test to determine whether a party is necessary or proper is whether his presence is required for complete and effective adjudication of the dispute involved in the suit.

11. The learned trial Court has rightly noticed that the plaintiffs are dominus litis and ordinarily have the right to choose the persons against whom

relief is sought. At the same time, the Court is duty bound to ensure that all persons whose presence may be necessary for effective adjudication are before the Court so as to avoid multiplicity of proceedings.

12. The reliance placed by the learned trial Court upon the judgment of the Hon’ble Supreme Court in Anil Kumar vs. Shiv Nath, (1995) 3 SCC 147, is fully justified, wherein it has been held that the object of Order 1 Rule 10 CPC is to bring on record all persons who are parties to the dispute relating to the subject matter so as to avoid multiplicity of litigation.

13. Merely because defendant No.3 claims that he has no concern with the suit property would not ipso facto entitle him to deletion from the array of parties, particularly when specific allegations of interference and threat have been levelled against him in the plaint. Such disputed questions are required to be adjudicated on evidence and cannot be conclusively determined at this stage.

14. This Court does not find any perversity, illegality or jurisdictional error in the impugned order warranting interference in exercise of revisional jurisdiction.

15. Consequently, the present revision petition being devoid of merit is hereby dismissed.

16. Pending miscellaneous application(s), if any, shall also stand disposed of.

12.05.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>