



2026:CGHC:18798



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HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 474 of 2026**

1 - Paridhi Jain W/o Gautam Chand Jain Aged About 34 Years R/o Flat No. G-303, Shri Ram Heights, Kailash Nagar, Bhilai, District- Durg (C.G.)

... **Petitioner(s)**

versus

1 - Ritesh Bohra S/o Shri Suresh Kumar Jain Aged About 34 Years R/o D-348, Sector-5, Tagore Nagar, Raipur, District- Raipur (C.G.)

2 - Shri Suresh Kumar Jain S/o Shri Bhavarlal Ji Bohra Aged About 65 Years R/o D-348, Sector-5, Tagore Nagar, Raipur, District- Raipur (C.G.)

3 - Mrs. Kanchan Jain W/o Shri Suresh Jain Aged About 62 Years R/o D-348, Sector-5, Tagore Nagar, Raipur, District- Raipur (C.G.)

4 - Smt. Purvi Jain Bohra W/o Ritesh Bohra Aged About 34 Years D/o Shri Gautam Chand Jain, R/o Flat No. G-303, Shri Ram Heights, Kailash Nagar, Bhilai, District- Durg (C.G.)

5 - Shri Gautam Chand Jain S/o Shri Pannalal Ji Lalwani Aged About 65 Years R/o Flat No. G-303, Shri Ram Heights, Kailash Nagar, Bhilai, District- Durg (C.G.)



6 - Smt. Kajal Jain W/o Shri Gautam Chand Jain Aged About 60 Years R/o Flat No. G-303, Shri Ram Heights, Kailash Nagar, Bhilai, District- Durg (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Avinash Chand Sahu, Advocate

(Hon'ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

23/04/2026

1. Heard.
2. Present is a writ petition filed under Article 227 of the Constitution of India against the order dated 27.02.2026 passed by learned First District Judge, Raipur in Civil Suit No. 112-A/2025 whereby the application filed by the petitioner under Order 1 Rule 10(2)(a) read with Section 151 of CPC has been rejected.
3. Learned counsel for the petitioner would submit that the respondents No.1 to 3 are the plaintiff before the learned trial Court and they are prosecuting a civil suit bearing Civil Suit No. 112-A/2025 against the respondents No.4 to 6 for compensation against defamation and malicious prosecution. The present petitioner is the defendant No.4 in the said civil suit. The plaintiffs have claimed the compensation on account of the fact that a false prosecution was initiated by the defendants by making various complaints and FIRs against them. They have also falsely lodged a report under Section 498A of the IPC at



Mahila Thana, Raipur in which the charge sheet has been filed against them and a Criminal Case No. 2338/2019 was registered and they have been acquitted after its trial by the learned trial Court vide its judgment dated 24.01.2025. He would further submit that in the entire plaint, there is no allegation against the petitioner that she also involved in the lodging of the false complaint alongwith other defendants. It is next submitted by him that the defendant No.4/petitioner is presently married and residing at her matrimonial house and there is no connection with the other defendants, only to harass the petitioner, she has been arrayed as defendant No.4 in the civil suit without there being any specific claim against her, therefore, she had made an application under Order 1 Rule 10(2)(a) of the CPC for striking out her name from the array of the civil suit. He would also submit that the proceeding against the petitioner is an abuse of process of law as well as process of the Court, therefore, her name may be ordered to be deleted from the array of the cause-title of the Civil Suit.

4. I have heard learned counsel for the petitioner and perused the material annexed with the writ petition.
5. From perusal of the copy of plaint (Annexure P-2) annexed in the petition, it transpires that the marriage between the plaintiff No.1 - Ritesh Bohra and the defendant No.1 - Smt. Purvi Jain Bohra in the year, 2015. The present petitioner is the defendant No.4 who is the sister of the defendant No.1. After some time of marriage, a dispute arose between the plaintiff No.1 and the defendant No.1, which culminated into lodging of the FIR under Section 498A of the IPC



before the Mahila Thana, Raipur and ultimately, resulted in acquittal vide judgment 24.01.2025 passed by the learned trial Court. The defendant No.1 had also prosecuted the proceeding under the Protection of Women from Domestic Violence Act, 2005, in which also, vide its judgment dated 24.01.2025 passed by the learned trial Court, they have been exonerated from the alleged offences. The another offence registered by the defendant No.1 against the plaintiffs No.1 and 2 at Police Station, Jamul, District - Durg by Crime No.566/2021, was turned down by filing a closure report on 22.07.2023. All these instances gives cause of action of the present civil suit in which the plaintiffs are claiming the compensation against the defamation and malicious prosecution against them. In para 9 of the plaint, the plaintiffs have pleaded that from the evidence of the defendants No.1 and 4 also, there was no evidence found against the plaintiffs in the FIR which was registered at Police Station, Supela, District - Durg with respect to rash and negligent driving of the vehicle and the closure report was also filed in the said FIR. Considering the various instances between the parties with respect to the various reports made by the defendants, the Plaintiffs are claiming compensation.

6. In the case of "Mumbai International Airport (P) Ltd. V/s Regency Convention Centre & Hotels (P) Ltd.", 2010(7) SCC 417, the Hon'ble Supreme Court has held that :

13. The general rule in regard to impleadment of parties is that the plaintiff in a suit, being dominus litis, may choose the persons against whom he wishes to litigate and cannot be compelled to sue a person against whom he does not seek any relief. Consequently, a person who is not a party has not right to be impleaded against the wishes of the plaintiff. But this general rule is subject to the provisions of Order 1 Rule 10(2) of the Code of Civil Procedure ("the Code", for short), which provides for impleadment of proper or



necessary parties. The said sub-rule is extracted below:

“10.(2) Court may strike out or add parties – The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon the settle all the questions involved in the suit, be added.”

14. The said provision makes it clear that a court may, at any stage of the proceedings (including suits for specific performance), either upon or even without any application, an on such terms as may appear to it to be just, direct that any of the following persons may be added as a party: (a) any person who ought to have been joined as plaintiff or defendant, but not added; or (b) any person whose presence before the court may be necessary in order to enable the court to effectively and completely adjudicate upon and settle the questions involved in the suit. In short, the court is given the discretion to add as a party, any person who is found to be a necessary party or proper party.

7. The plaintiff being the *dominus litis* of their suit, who claimed compensation on account of various instances by which they feels aggrieved by the act of the defendants can arrayed the defendant in the plaint filed by him, and accordingly the defendant No.4 that is the present petitioner has also been arrayed in the plaint and claiming relief against her also. At this stage, it cannot be said that there is no relief claimed against the defendant No.4 and she is entitled for strike out of her name from the suit. The consideration of the learned trial Court appears to be based on proper appreciation of material available in the suit and this Court also does not find any perversity or illegality in the impugned order passed by the learned trial Court.
8. Accordingly, the writ petition fails and hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE