

CR-3393-2025

1

2025:PHHC:088833



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

\*\*\*

**CR-3393-2025**

Date of decision : 21.07.2025

Nitish Bansal

... Petitioner

Versus

Himanshu Garg and others

... Respondent

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Agam Bansal, Advocate  
for the petitioner.

Mr.Kanwaljeet Singh Derabassi, Advocate  
for respondent no.1.

Ms.Anu Bala Garg, Advocate  
for respondents no. 6 to 8.

**VIKAS BAHL, J.(ORAL)**

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 18.02.2025 passed by the Additional Civil Judge (Sr.Div.), Dera Bassi, vide which the application filed by the petitioner under Order 1 Rule 10 CPC for striking out the petitioner-defendant no.5 as party to the civil suit, has been dismissed.

2. On 29.05.2025, this Court was pleased to pass the following order:-

*“Present: Mr.Agam Bansal, Advocate  
for the petitioner.*

\*\*\*



*Learned counsel for the petitioner has submitted that the petitioner is not the owner of the property which is in dispute and has further submitted that the primary prayer made in the suit against the present petitioner-defendant no.5 is restraining him from alienating, mortgaging or encumbering the property in question. It is submitted that he is ready to make the statement before the trial Court that he or while acting as representative of any of the defendants would not alienate, mortgage or encumber the property in question and that he has no right over the said property.*

*Notice of motion for 21.07.2025.*

*Liberty is granted to the petitioner to serve the respondents through dasti process as well as through the counsel appearing in the trial Court.*

*To be shown in the urgent list.*

*May 29, 2025”*

3. Learned counsel for the petitioner has submitted that even before the trial Court, the petitioner had given the following affidavit:-

*“In Re:*

*Himanshu Garg*

*.....Plaintiff*

*Versus*

*The Tehsildar, Dera Bassi, and others*

*.....Defendants*

*STATEMENT BY WAY OF AFFIDAVIT of Nitish Bansal, aged about 34 years, son of Shri Ashok Kumar, Resident of H. No. 1190-P, Sector 12-A, Panchkula, Haryana - 134112, having Aadhar no. 216013959901 and Mobile no. 9988888762.*

2025:PHHC:088833



*I, the above named deponent, do hereby solemnly declare and affirm as hereunder:*

*1. That I am the Defendant No. 5 in the present civil suit and am fully conversant with the facts and circumstances of the present case and competent to swear this affidavit.*

*2. That the property forming the subject matter of the present suit is not owned by me, and I do not claim any right, title, or interest in the said property.*

*3. That I further undertake and declare that I, neither in my individual capacity nor in any representative capacity on behalf of any of the co-defendants shall alienate, mortgage, sell, lease, or in any other manner encumber the property in dispute, directly or indirectly.*

*4. That this statement is made voluntarily by me in compliance with the submissions made before the Hon'ble High Court of Punjab & Haryana at Chandigarh in CR-3393-2025, and in view of the directions issued by the Hon'ble High Court vide order dated 29.05.2025 passed therein.*

*5. That I further undertake to strictly abide and adhere to the statement made herein before this Hon'ble Court.*

*6. That a copy of my Aadhar Card having No. 216013959901 has been annexed as a proof of identity and residential address with the present affidavit.*

*PLACE: DERA BASSI*

*DEPONENT*

*DATE: 10.07.2025*

*(Nitish Bansal)*

**VERIFICATION**

*Verified that the contents of my above affidavit are true and correct. No part of it is false and nothing has been concealed therein.*



*PLACE: DERA BASSI*

*DEPONENT*

*DATE: 10.07.2025*

*(Nitish Bansal)”*

Learned counsel for the petitioner has submitted that since the petitioner has no interest in the property, he does not wish to enter into unnecessary litigation and prays that his name be deleted from the array of the parties.

5. Learned counsel for respondent no.1 has submitted that the name of the petitioner be deleted from the array of the parties in the civil suit but the petitioner be bound by his statement made before this Court as well as the averments made in the affidavit which is being produced by the petitioner before the Court today and the petitioner be restrained from alienating the property in question either in his own capacity or while acting as representative of any of the defendants.

6. Learned counsel for the petitioner has reiterated the stand taken before this Court as well as in the affidavit before this Court which specifically stated that he will not alienate, mortgage or encumber the property in question either in his own capacity or while acting as representative of the defendants.

7. Keeping in view the above said facts and circumstances and fair stand taken on behalf of the petitioner as well as contesting respondent no.1-plaintiff, the present petition is partly allowed and the impugned order dated 18.02.2025, to the extent that the application filed by the petitioner for



deletion had been dismissed, is set aside and the petitioner is ordered to be deleted from the array of the parties in the civil suit (Annexure P-2). The petitioner would be bound by the statement made on his behalf on 29.05.2025 and also by the averments made in the affidavit dated 10.07.2025 produced before this Court, the relevant portion of which is reproduced hereinabove.

**(VIKAS BAHL)**  
**JUDGE**

**July 21, 2025.**

*Davinder Kumar*

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No