



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 5506/2024

1. Kumari Rekha D/o Jamna Lal, Aged About 28 Years, Through Guardian Mother Smt. Jasoda W/o Jamna Lal, Now Major, Aged 28 Year. R/o Village Sukher, Tehsil Girwa, District Udaipur.
2. Smt. Jasoda W/o Jamna Lal, Aged About 45 Years, Village Sukher, Tehsil Girwa, District Udaipur.

----Petitioners

Versus

1. Veni Ram S/o Devaji Dangi, Village Sukher, Tehsil Girwa, District Udaipur.
2. State Of Rajasthan, To Be Served Through Tehsildar Girwa, District Udaipur.
3. Urban Development Trust Udaipur, Through Secretary.

----Respondents

For Petitioner(s) : Mr. Rajeev Purohit

For Respondent(s) : Mr. Vijay Purohit
Ms. Akshiti Singhvi

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

04/02/2026

1. Present writ petition has been filed challenging order dated 27.12.2023 passed by Board of Revenue, whereby revision petition preferred on behalf of petitioner-applicants, challenging order dated 30.04.2012, was rejected.

2. It is submitted that respondent No. 1 - plaintiff filed a suit against respondent Nos. 2 and 3 seeking declaration of khatedari rights, correction of revenue entries, and permanent injunction in respect of land bearing old Khasra No. 547, ad-measuring 11.3

bighas, and old Khasra No. 559, ad-measuring 11.8 bighas,



situated in village Sukher, Tehsil Girwa, District Udaipur ("land in question") on the basis of exclusive possession over the land in question.

2.1 It is further stated that earlier, father of respondent No. 1 was in possession of the land in question and thereafter, respondent no. 1 remained in possession, therefore Tehsildar, Girwa issued a notice under Section 91 of the Rajasthan Land Revenue Act against plaintiff - respondent no. 1 which gave rise to cause of action for filing of suit by respondent no. 1.

2.2 During pendency of said suit, present petitioners, being the daughter and wife of Jamna Lal, who was son of late Deva Ji, preferred an application under Order 1 Rule 10 CPC, stating therein that, petitioners, being legal representatives of late Deva Ji, also have rights in the joint Hindu family property and, therefore, outcome of the suit would affect their rights as well. On these grounds, a prayer for their impleadment was made.

2.3 Application preferred on behalf of petitioners was objected to by respondent No. 1 on the ground that after the death of Deva Ji, respondent No.1, Veni Ram alone remained in possession of the land in question and, therefore, notices under Section 91 of the Rajasthan Land Revenue Act were issued in his name alone. It was further contended that suit in question has been filed on the basis of long possession against respondent nos. 2 & 3 therein and that no relief as such has been sought against petitioner-applicants.

2.4 Learned SDO, Girwa, while passing order dated 30.04.2012, has rejected application filed by petitioners under Order 1 Rule 10 CPC.

2.5 Challenging the said order, a revision petition was preferred before Board of Revenue and same has also been dismissed vide





order dated 27.12.2023, wherein learned Board of Revenue has held that issues raised in the suit could be decided inter se the existing parties and plaintiff cannot be compelled to implead a party against whom no relief has been claimed.

2.6. Challenging the said order dated 27.12.2023, present writ petition has been filed.

3. Learned counsel for the petitioners argued that learned Revisional Court failed to take into account that after the death of Deva Ji, all rights vested in his two sons i.e. Veni Ram and Jamna Lal and applicants - being legal representatives of late Jamna Lal, are necessary parties to the present suit. Learned counsel stated that law with regard to Order 1 Rule 10 CPC has not been considered by learned Revisional Court in judicious manner, hence order impugned is not tenable in the eyes of law.

3.1 Learned counsel further argued that rejection of petitioners' application would lead to multiplicity of proceedings; however, even this aspect has not been taken into consideration by learned Revisional Court.

4. Countering the aforesaid submissions, learned counsel for respondent no. 1, Ms. Akshiti Singhvi, argued that order passed by Revisional Court is wholly justified and the same has been passed in consonance with the position of law settled in that regard. It is submitted that plaintiff is *dominus litis* (master of the suit) and a party cannot be impleaded against plaintiff's wishes. It is also contended that no relief as such has been sought against the petitioners and their independent rights (if any) cannot be adjudicated upon in the present suit.

5. Heard counsel for the parties and perused the material available on record.





6. While considering merits of the case, this Court finds that plaintiff has prayed for relief of declaration and permanent injunction on the basis of his long-standing possession. The issues involved can very well be adjudicated inter-se the existing parties and, as such, there is no requirement to implead present petitioners for adjudication of the suit in question.

7. The sole ground for impleadment as raised in application filed under order 1 rule 10 CPC, so also in present writ petition is that petitioners, being family members of late Jamna Lal, have rights in the joint Hindu family property. This Court is of the opinion that any competing claim or independent rights of persons not already party to the suit cannot be permitted to be raised in the suit filed by plaintiff-respondent and the same requires separate adjudication. Petitioners cannot be allowed to be impleaded merely on the basis of any such competing claims that they may have in the land in question unless it is established that their presence is necessary for proper and complete adjudication of the suit proceedings.

8. Law with regard to plaintiff being *dominus litis* is well settled: plaintiff is the master of the suit and the suit rests upon the plaintiff's autonomy to decide the nature of the cause of action, the reliefs to be claimed, and the persons against whom such reliefs are sought. The plaintiff cannot, as a matter of course, be compelled to sue a person against whom he does not seek any relief and with whom he does not intend to contest.

9. In ***Mohamed Hussain Gulam Ali Shariffi v. Municipal Corporation of Greater Bombay and Others*** reported in **(2020) 14 SCC 392**, the Hon'ble Supreme Court has held: -

~~"15. It is a settled principle of law, which does not need any authority to support the principle, that the~~





plaintiff being a dominus litis cannot be forced to add any person as party to his suit unless it is held keeping in view the pleadings and the relief claimed therein that a person sought to be added as party is a necessary party and without his presence neither the suit can proceed and nor the relief can be granted. It is only then such person can be allowed to become party, else the suit will have to be dismissed for non-impleadment of such necessary party. Such does not appear to be a case here.

16. *We do not find that the presence of respondent Nos. 2 and 3 in the facts of this case is required for deciding the legality of notice impugned in the suit on merits because the dispute centers around the question of legality and validity of the notice which, as mentioned above, arises between respondent No. 1, who has issued the notice, and the person to whom it is given, i.e., appellant."*

10. Also, the Hon'ble Supreme Court, in **Sudhamayee Pattnaik v. Bibhu Prasad Sahoo** reported in **(2022) 17 SCC 286**, has held as follows: -

"9...As per the settled position of law, the plaintiffs are the dominus litis. Unless the court suo motu directs to join any other person not party to the suit for effective decree and/or for proper adjudication as per Order 1 Rule 10CPC, nobody can be permitted to be impleaded as the defendants against the wish of the plaintiffs. Not impleading any other person as the defendants against the wish of the plaintiffs shall be at the risk of the plaintiffs."

11. In view of thus settled position of law regarding impleadment of parties and the specific facts of this case, this Court finds that the suit so preferred by respondent no. 1 - plaintiff can be fully adjudicated between existing parties. As the plaintiff seeks no relief against petitioners, their presence is not necessary for final determination of the matter. Furthermore, petitioners seek to assert independent rights in the land in question, allegedly being members of joint Hindu family, which are outside the scope of suit filed by the plaintiffs on the ground of long possession. Given the





plaintiff's express objection to the application - and mindful that the plaintiff is the dominus litis – learned courts below have rightly rejected the application preferred by the petitioner under Order 1 Rule 10 CPC.

12. This Court thus finds that petitioners have failed to establish any perversity or manifest illegality or error apparent on the face of record or any jurisdictional error being committed by learned Revisional Court in passing the order impugned.

13. It is pertinent to observe that the scope of interference by this Court under its supervisory jurisdiction is very limited. The contours of Article 227 of the Constitution of India have been delineated *ad-nauseum* and reference may be made in that respect to some salutary pronouncements such as ***Shalini Shyam Shetty v. Rajendra Shankar Patil (2010) 8 SCC 329; Jai Singh v. Municipal Corporation of Delhi (2010) 9 SCC 385; and Surya Dev Rai v. Ram Chander Rai (2003) 6 SCC 675*** - instead of burdening this judgment with copious quotes therefrom. It has been broadly held therein that the interlocutory orders of the courts below should not be interfered with under Article 227 of the Constitution of India, unless such orders are palpably vitiated by capriciousness, perversity, error of jurisdiction or such like root-causes leading to manifest injustice. Amendment to Section 115 CPC, effective from 1.7.2002, introduced vide the Code of Civil Procedure (Amended) Act, 1999, was intended to be a prescription to overcome delays in trials of civil suits, where delays are notorious and adversely commented on publically. The salutary provisions of Article 227 of the Constitution of India cannot be allowed to be casually invoked to circumvent legislative intent clear from the CPC amendment effective 1.7.2002. No





doubt the court's supervisory jurisdiction under Article 227 is ever present but its exercise has to be guarded and confined to situations referred to above. None of the aforesaid situations obtain in the instant case.

14. In light of the discussion above, this Court finds that learned Board of Revenue has rightly dismissed the revision petition preferred by petitioners and was absolutely justified in upholding the order of learned SDO, whereby application of petitioners for impleadment was rejected. Petitioners have failed to establish any ground that would warrant the interference of this court under its supervisory jurisdiction. Consequently, present writ petition, being devoid of merits, is hereby dismissed.

15. Stay petition and pending applications, if any, also stand disposed of.

(SANJEET PUROHIT),J

174-praveen/-

