



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



S.B. Civil Writ Petition No. 15695/2025

Arvind Kumar S/o Bhagwati Lal Dhiliwal, Aged About 48 Years,
Resident Of Chandanpura, Chittorgarh, Tehsil And District
Chittorgarh (Raj.).

-----Petitioner

Versus

1. Lrs. Of Late Shri Shivnath, S/o Kishan Nath -
2. Shabhunath S/o Late Shri Shivnath, Resident Of Near Chamunda Mata Mandir, Senti, Chittorgarh, Tehsil And District Chittorgarh (Raj.).
3. Harish Nath S/o Late Shri Shivnath, Resident Of Near Chamunda Mata Mandir, Senti, Chittorgarh, Tehsil And District Chittorgarh (Raj.).
4. Premnath S/o Late Shri Shivnath, Resident Of Near Chamunda Mata Mandir, Senti, Chittorgarh, Tehsil And District Chittorgarh (Raj.).
5. Mohini D/o Late Shri Shivnath, Resident Of Near Chamunda Mata Mandir, Senti, Chittorgarh, Tehsil And District Chittorgarh (Raj.).
6. Bhanwari D/o Late Shri Shivnath, Resident Of Near Chamunda Mata Mandir, Senti, Chittorgarh, Tehsil And District Chittorgarh (Raj.).
7. Bali D/o Late Shri Shivnath, Resident Of Near Chamunda Mata Mandir, Senti, Chittorgarh, Tehsil And District Chittorgarh (Raj.).
8. Balli D/o Late Shri Shivnath, Resident Of Near Chamunda Mata Mandir, Senti, Chittorgarh, Tehsil And District Chittorgarh (Raj.).
9. Legal Representatives Of Late Shri Leharnath, S/o Kishan Nath -
10. Kali D/o Late Shri Leharnath, Resident Of Fort Chittorgarh, Tehsil And District Chittorgarh (Raj.).
11. Rajunath S/o Late Shri Leharnath, Resident Of Fort Chittorgarh, Tehsil And District Chittorgarh (Raj.).
12. Kamlesh Nath S/o Late Shri Leharnath, Resident Of Fort Chittorgarh, Tehsil And District Chittorgarh (Raj.).
13. Pawan Nath S/o Late Shri Leharnath, Resident Of Fort





Chittorgarh, Tehsil And District Chittorgarh (Raj.).

14. Ramesh Nath S/o Banshi Nath, Resident Of Senti Chittorgarh, Tehsil And District Chittorgarh (Raj).
15. Sanjay Singh Sisodiya S/o Raghuraj Singh Sisodiya, Resident Of 3-A, House No. 11, Madhuban Colony, Senti Chittorgarh, Tehsil And District Chittorgarh (Raj.).
16. Govind Ram Vijayvargiya S/o Ram Narayan Ji Vijayvargiya, Resident Of Babrana, Tehsil Bhopalsagar, District Chittorgarh (Raj.).
17. Lokesh Kumar S/o Ramniwas Ji Jagetiya, Resident Of 373, Panna Dhay Colony, Chittorgarh, Tehsil And District Chittorgarh (Raj.).
18. Govind Singh S/o Uday Singh Ji Khangarot, Resident Of 21-C, Panchwati Senti, Chittorgarh, Tehsil And District Chittorgarh (Raj.).
19. Kushaldeep S/o Satish Chandra Joshi, Resident Of Dhanet Kalla, Tehsil And District Chittorgarh (Raj.).
20. Dharmendra Jain S/o Sampat Lal Ji Jain, Resident Of Chhatri Wali Khan, Senti Chittorgarh, Tehsil And District Chittorgarh (Raj.).
21. Sub Registrar Chittorgarh, Tehsil And District Chittorgarh.
22. Tehsildar, Tehsil Office Chittorgarh.
23. Urban Improvement Trust Chittorgarh, Through Secretary, Urban Improvement Trust Gandhinagar, Chittorgarh.
24. Municipal Corporation Chittorgarh, Through Its Commissioner Municipal Corporation Chittorgarh.
25. State Of Rajasthan, Through District Collector Chittorgarh.
26. Rakesh Paliwal S/o Ruplal Paliwal, Resident Of Opposite To Chamunda Mata Mandir, Basni Kalla, Fatehnagar, Tehsil Mavli, Udaipur (Raj.).
27. Ajay Agal S/o Satyanarayan Agal, Resident Of Uparla Pada Chittorgarh, Tehsil And District Chittorgarh (Raj).
28. Rajpal Singh S/o Jaydev Singh, Resident Of Tilaknagar Fort Chittorgarh, Tehsil And District Chittorgarh (Raj.).

-----Respondents





For Petitioner(s) : Mr. Manas Ranchore Khatri
For Respondent(s) : Mr. Hemant Kumar Jain
Mr. D.S. Gaur

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

Portable

22/01/2026

1. The present writ petition has been filed challenging order dated 29.07.2025 passed by Court of learned Additional District and Sessions Judge No. 2, Chittorgarh ("*learned trial court*") in Civil Original Suit No. 3/2026 (***Arvind vs Shivnath & Ors.***) rejecting the application of petitioner-plaintiff filed under Order 1 Rule 10 CPC and refusing to implead Shri Dinesh Sharma s/o Shri Nandlal Sharma, as party-defendant in suit proceedings.

2. Facts giving rise to the present writ petition are stated in succinct as below:

2.1. Petitioner-plaintiff preferred a suit for specific performance as well as cancellation of sale deed dated 12.02.2016, stating therein that four agreements to sell dated 08.02.2010 and three other agreements to sell dated 11.06.2010, said to be executed by defendants, promising to sell their share of land to the plaintiff. However, defendants have refused to execute sale deed in favour of plaintiff, which has given cause of action to the plaintiff to seek prayer of specific performance of the said agreements to sell.

2.2. It is further stated that instead of executing sale deed in favour of the plaintiff, defendant nos. 1, 2, and 3 have executed a





sale deed dated 12.02.2016 in favour of defendant nos. 4 to 9 , thus, prayer for cancellation of sale deed was also made.

2.3. It is further stated that during pendency of the suit proceedings, third-party rights have been created by way of registered sale deeds and the subsequent purchasers were impleaded as party defendants nos. 15 to 17 by allowing application of petitioner-plaintiff under Order 1 Rule 10 CPC by order dated 25.05.2018.

3. The defendants arraigned in the suit have filed their respective written statements and on the basis of the pleadings of the parties, learned trial court framed issues for adjudication on 26.07.2019.

4. Thereafter, petitioner-plaintiff filed an application under Order 1 Rule 10 CPC on 14.05.2025 stating therein that petitioner has come to know that one agreement to sell dated 25.10.2013 was also executed by defendant nos. 1, 2, and 3 in favour of one Dinesh Sharma, s/o Shri Nandal Sharma, who has also instituted a suit (Civil Original Suit No. 1/2016), which is pending consideration before the same court.

4.1. It is averred that since Dinesh Sharma has also prayed for specific performance of the agreement to sell relating to same property and that since the outcome of the said suit is likely to affect the adjudication of the suit preferred by petitioner-plaintiff, therefore, Dinesh Sharma shall also be impleaded as party respondent in his suit. The said application was contested by existing defendants.





4.2. Learned trial court vide its order dated 29.07.2025 has dismissed the application preferred on behalf of petitioner-plaintiff and refused to implead Dinesh Sharma as party defendant in the suit on the ground that no relief as such has been prayed as against Dinesh Sharma and even the pleadings of the plaint nowhere contains any reference with regard to the alleged agreement to sell being executed in favour of Dinesh Sharma. Said order dated 29.07.2025 has been challenged in the present writ petition.

5. Challenging the said order, counsel for petitioner argued that petitioner is a plaintiff, having *dominus litis*, has all the rights to pray for impleadment of any person in his suit.

5.1. Counsel for the petitioner further stated that learned trial court has failed to consider that the subject matter of the suit, i.e. land in question is common in the suit preferred by the petitioner as well as in suit filed on behalf of Dinesh Sharma and, therefore, outcome of the said suit is going to have its effect over the present suit filed by petitioner-plaintiff. Therefore, his impleadment was very much necessary.

5.2. Counsel for the petitioner further stated that learned trial court ought to have impleaded him as a party defendant to avoid multiplicity of proceedings. In support of his contention, counsel for the petitioner relied upon the judgment passed in the case of ***Robin Ramjibhai Patel vs Anandi Bhai Rama Alias Rajaram Pawar And Ors.*** reported in **(2018) 15 SCC 614** as well as ***JN Real estate vs Shailendra Pradhan And Ors*** reported in **2025 SCC OnLine SC 1015**.





6. Per contra, learned counsel for the respondent, Mr. Hemant Jain stated that the petitioner has not come with clean hands and material facts have not been disclosed in the writ petition. It is stated that apart from filing application under Order 1 Rule 10 CPC for impleading Dinesh Sharma as a party defendant in his own suit, the plaintiff has also preferred an application under Order 1 Rule 10 CPC in the suit filed by Dinesh Sharma on the same grounds.

6.1 It is stated that application for his impleadment filed by petitioner in the suit preferred by Dinesh Sharma was rejected by learned trial court vide order dated 29.07.2025, which was challenged by the present petitioner in S.B. Civil Writ Petition No. 16108/2025 and the same was also dismissed by this Court vide order dated 03.11.2025.

6.2 It is further contended that this Court, in its judgment dated 03.11.2025, has clearly observed that the suits preferred by the plaintiff and Dinesh Sharma were in relation to different agreements to sell said to be executed in favour of the respective plaintiffs. In both the suits, relief against the defendants has been prayed for in relation to their respective agreements to sell and no relief as such has been prayed for by the plaintiffs against plaintiff in the other suit.

6.3 Counsel for the respondent argued that application as preferred is not *bona fide* and the same has been filed at a belated stage merely to delay the suit proceedings. He further stated that order passed by learned Trial Court is wholly justified and well-reasoned and does not call for interference by this Court.





7. Heard learned counsel for the parties had perused the material available on record.

8. The facts as emerged from record clearly show that there is no averment in the plaint regarding any other agreement to sell alleged to have been executed in favour of Dinesh Sharma and no relief has been prayed for either against Dinesh Sharma or in respect of any agreement to sell allegedly executed in his favour. Therefore, Dinesh Sharma is completely stranger to the present proceedings. The suit so preferred by petitioner-plaintiff and the issues arising therefrom can very well be adjudicated *inter se* between the existing parties without impleading Dinesh Sharma as defendant. The petitioner-plaintiff has failed to establish as to how, in view of the specific pleadings of his case, Dinesh Sharma is either a necessary or a proper party to the suit proceedings.

8.1 Even the petitioner has not been considered as a necessary or proper party to the suit preferred by Dinesh Sharma and on the very basis of said observations, writ petition preferred by the petitioner-plaintiff refusing to implead him as a party dependent in a suit filed by Dinesh Sharma, was rejected. The said important fact has not been disclosed by the petitioner. Thus, the concealment of material fact on the part of petitioner is writ large.

8.2 Counsel for the petitioner has though stated that petitioner being plaintiff is having *dominus litis* and having right to implead any person in his suit proceedings. This court finds that the concept of *dominus litis* as said to be described by petitioner is absolutely misconceived. Though, it is well settled that the plaintiff is the *dominus litis*, i.e. 'master of the suit' and it is for the





plaintiff to decide the forum where the suit is to be instituted and the parties to be impleaded. A party cannot be thrust upon an unwilling plaintiff. Yet, at the same time, the principle of *dominus litis* does not create a right in favour of the plaintiff to implead anyone at his will.

8.3 Thus, as per general rule 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. However, this general rule is subject to the provisions of Order 1 Rule 10(2) CPC which provides for impleadment of proper and/or necessary parties.

8.4 A bare perusal of Order I Rule 10(2) CPC would reveal that Courts may at any stage either upon the application of parties or *suo moto*, strike out or add parties. Judicial discretion is paramount while deciding applications under the said provision.

The said provision is reproduced herein:

*"(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 and settle all the questions involved in the suit**, be added."*

8.5 In determining whether a person is a necessary party, the court must consider whether such person would be bound by the





result of the action and whether his presence is necessary for a complete and final decision on the questions involved in the suit.

8.6 In other words, the status of *dominus litis* provides safeguard to the plaintiff from being compelled, either by the court or at the instance of a party, to implead parties against his will, unless such parties are found to be necessary for the effective and complete adjudication of the dispute. At the same time, the doctrine does not confer an unfettered right upon the plaintiff to array any person as a party to the proceedings merely on his will. The court retains the discretion to examine whether the proposed party is a necessary or at least a proper party, and may refuse impleadment if the presence of such person is not found essential for resolving the controversy involved in the matter. **Thus, this Court finds that *Dominus litis* primarily operates as a shield against forced joinder, rather than a sword to guarantee that every impleadment application by the plaintiff must be allowed.** The same has been held in a catena of judgments.

8.7 The Hon'ble Apex Court in ***Asian Hotels (North) Ltd. v. Alok Kumar Lodha, (2022) 8 SCC 145*** expounded upon the scope of doctrine of *dominus litis* and held that the doctrine of same is only applicable where parties sought to be added are necessary and/or proper parties. The relevant paragraph is reproduced herein below:

"37. From the impugned order [Alok Kumar Lodha v. Asian Hotels (North) Ltd., 2021 SCC OnLine Del 4370] passed by the High Court, it appears that what has weighed with the High Court is that the plaintiffs, is the dominus litus and heavy reliance is placed in Kasturi





[Kasturi v. Iyyamperumal, (2005) 6 SCC 733] . However, the principle that the plaintiffs is the dominus litus shall be applicable only in a case where parties sought to be added as defendants are necessary and/or proper parties. The plaintiffs cannot be permitted to join any party as a defendant who may not be necessary and/or proper parties at all on the ground that the plaintiffs is the dominus litus."



8.9 Further, the Hon'ble Apex Court in **Ramesh Hirachand Kundanmal v. Municipal Corpn. of Greater Bombay, (1992) 2 SCC 524** held that the question of impleadment of parties squarely falls within the realm of judicial discretion. Even if the plaintiff, invoking the doctrine of *dominus litis*, opposes the addition of parties, such objection cannot override the Court's statutory as well as inherent power to ensure that all necessary and proper parties are brought on record. The relevant paragraph is reproduced herein:

"5. It was argued that the Court cannot direct addition of parties against the wishes of the plaintiff who cannot be compelled to proceed against a person against whom he does not claim any relief. Plaintiff is no doubt dominus litis and is not bound to sue every possible adverse claimant in the same suit. He may choose to implead only those persons as defendants against whom he wishes to proceed though under Order 1 Rule 3, to avoid multiplicity of suit and needless expenses all persons against whom the right to relief is alleged to exist may be joined as defendants. However, the Court may at any stage of the suit direct addition of parties. A party can be joined as defendant even though the plaintiff does not think that he has any cause of action against him. Rule 10 specifically provides that it is



open to the Court to add at any stage of the suit a necessary party or a person whose presence before the Court may be necessary in order to enable the Court to effectually and completely adjudicate upon and settle all the questions involved in the suit.

6. *Sub-rule (2) of Rule 10 gives a wide discretion to the Court to meet every case of defect of parties and is not affected by the inaction of the plaintiff to bring the necessary parties on record. The question of impleadment of a party has to be decided on the touchstone of Order 1 Rule 10 which provides that only a necessary or a proper party may be added. A necessary party is one without whom no order can be made effectively. A proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision on the question involved in the proceeding. The addition of parties is generally not a question of initial jurisdiction of the Court but of a judicial discretion which has to be exercised in view of all the facts and circumstances of a particular case."*

8.10 The doctrine of *dominus litis*, by itself, is not determinative nor conclusive. A harmonious balance has to be struck between the plaintiff's prerogative, as *dominus litis*, to choose the parties and frame the *lis*, and the inherent power of the Court to exercise its judicial discretion for impleadment/non-impleaded of party to the proceedings. While the plaintiff is ordinarily the master of the suit, such autonomy is not absolute and cannot curtail the Court's discretion to implead or deny the impleadment of any party based on the nature of dispute and requirement of such party, whether





or not, found necessary for a just, complete and efficacious adjudication of the issues involved.

9. As observed above and in view of the pleadings in the plaint so also the relief prayed for, Dinesh Sharma is alien to the said controversy and merely because he has filed other suit with regard to the same subject matter does not ipso facto makes him a necessary or proper party in the present suit. Therefore, no error has been committed by the learned trial Court in exercise of its judicial discretion by refusing to implead Dinesh Sharma as party-defendant in the suit filed by the petitioner-plaintiff.

10. Even in the petitioner's application, the sole reason for impleading Dinesh Sharma as party defendant was that the outcome of his suit may have its effect over the suit filed by the plaintiff. The said aspect was very well taken into account by the learned Trial Court and it is clearly observed that since both the suits are pending consideration before the same Court, the suit proceedings of both the suits can be consolidated and tried together so as to avoid any contrary adjudication. Thus, the said reason in itself does not make the plaintiff of the other suit as necessary party in the present proceedings.

11. Counsel for the petitioner was not in a position to dispute the fact averred by counsel for the respondent that similar application has been preferred by petitioner-plaintiff in a suit filed by Dinesh Sharma which was also rejected by learned Trial Court vide order dated 29.07.2025 and a writ petition challenging the same has been rejected by this Court vide judgment dated 03.11.2025 in S.B.Civil Writ Petition No. 16108/2025.





12. The arguments advanced before this Court are similar to the arguments advanced by petitioner in the said writ petition and after considering all the said arguments so also the judgment relied upon by petitioner before this Court, i.e. **Robin Ramjibhai Patel** (supra), **J.N. Real Estate** (supra) were also taken into account and the writ petitions preferred by the petitioner were being dismissed with following observations:

"05. मैंने उपर्युक्त परस्पर विरोधी तर्कों पर विचार किया। अभिलेख के अवलोकन से यह प्रकट होता है कि विद्वान विचारण न्यायालय के समक्ष विचाराधीन वाद संख्या 05/2016, जो कि वादी दिनेश शर्मा की ओर से प्रस्तुत किया गया है, उसमें विक्रय अनुबंध दिनांक 25.10.2013 की पालना का अनुतोष चाहा गया है। याची के कथनों के अनुसार इसी कृषि भूमि के संबंध में उक्त विक्रय अनुबंध से पूर्व ही दिनांक 08.02.2010 को विक्रय अनुबंध याची अरविंद कुमार के पक्ष में भी निष्पादित हो रखा है, जिसकी पालना हेतु याची अरविंद कुमार की ओर से भी पृथक से वाद प्रस्तुत किया गया है, जो कि वाद संख्या 03/2016 है। इस प्रकार दोनों पक्षों के कथनों से यह स्पष्ट है कि एक ही संपत्ति कृषि भूमि को लेकर दो अलग-अलग विक्रय अनुबंध का निष्पादन होने से अलग-अलग वाद प्रस्तुत हो रहे हैं। याची अरविंद कुमार द्वारा जो वाद संख्या 03/2016 प्रस्तुत किया गया है, उसमें उसके द्वारा स्वयं के पक्ष में जो विक्रय अनुबंध दिनांक 08.02.2010 का निष्पादित होना बताया गया है, उसकी पालना का अनुतोष चाहा गया है। जबकि वाद संख्या 05/2016, जो कि वादी दिनेश शर्मा की ओर से प्रस्तुत किया गया है, उसमें स्वयं के पक्ष में निष्पादित विक्रय अनुबंध दिनांक 25.10.2013 की पालना का अनुतोष चाहा गया है। दोनों ही वाद एक ही न्यायालय में विचाराधीन है। आदेश 01 नियम 10 सिविल प्रक्रिया संहिता के अनुसार कोई व्यक्ति किसी प्रकरण में आवश्यक एवं उचित पक्षकार होना तब माना जा सकता है, जब संबंधित वाद में चाहे गए अनुतोष से उसका हित प्रभावित होता हो, परंतु अभिलेख के अवलोकन से यह स्पष्ट है कि याची अरविंद कुमार द्वारा भी पृथक से विक्रय अनुबंध की पालना हेतु वाद प्रस्तुत किया गया है। दोनों ही प्रकरण एक ही न्यायालय में विचाराधीन भी है। यदि दोनों प्रकरण अलग-अलग न्यायालय में विचाराधीन होते तब तो यह माना जा सकता था कि एक ही विषयवस्तु को लेकर दो विक्रय अनुबंधों पर अलग-अलग वाद होने से यदि पृथक-पृथक विरोधाभासी निष्कर्ष आता है, तो किसी भी पक्षकार का हित प्रभावित हो सकता है। लेकिन प्रस्तुत मामले में दोनों ही वाद एक ही न्यायालय में विचाराधीन है और इसी स्थिति में ही विद्वान विचारण न्यायालय द्वारा यह भी स्पष्ट किया गया है कि दोनों प्रकरणों की संपत्ति कृषि भूमि समान होने के कारण दोनों प्रकरणों का न्यायपूर्ण निस्तारण एक साथ किया जाना न्यायोचित रहेगा और इस स्थिति में ही याची को आवश्यक पक्षकार बनाने से इनकार कर दिया था।

6. इस प्रकार उपर्युक्त निष्कर्ष से यह स्पष्ट है कि विचारण न्यायालय द्वारा यह भी नहीं कहा गया है कि दोनों वादपत्रों को समेकित (Consolidate) किया जाए। अर्थात् उनके अनुसार दोनों प्रकरणों का एक साथ निस्तारण करने का ही निष्कर्ष दिया गया है। जिसके अनुसार दोनों ही प्रकरणों में दोनों पक्षकारों द्वारा पृथक-पृथक साक्ष्य पेश होने के पश्चात् जब निर्णय की स्टेज आएगी, तो दोनों





प्रकरणों की पृथक-पृथक बहस अन्तिम सुनकर निष्कर्ष आने की संभावना भी नहीं रहेगी और इस स्थिति में किसी भी पक्ष का हित प्रभावित होना भी संभव नहीं होगा।

7. कुल मिलाकर, उपर्युक्त संपूर्ण स्थिति को देखते हुए विद्वान विचारण न्यायालय द्वारा पारित आदेश दिनांक 29.07.2025 में जो निष्कर्ष दिया गया है, उसमें इस रिट याचिका के तहत इस न्यायालय की सीमित क्षेत्राधिकारिता को देखते हुए हस्तक्षेप नहीं किया जा सकता है।”

13. In view of the observations made, this Court finds that no error has been committed by the learned Trial Court in refusing to implead Dinesh Sharma as party defendant in the present suit.

14. This Court also takes note of the observation made by the learned Trial Court that the suit of Dinesh Sharma is pending before the same Courts since 2016 and same was well within the knowledge of petitioner-plaintiff, however, the present application has been preferred after a lapse of around nine years, i.e, in the year 2025. Learned trial Court has rightly observed that application under Order 1 Rule 10 CPC has been filed at a belated stage, just to delay the suit proceedings. The conduct of the petitioner-plaintiff clearly shows that application preferred under Order 1 Rule 10 CPC was not only misconceived but gross abuse of process of law.

15. Although counsel for the petitioner has contended that service on all respondents in the present case has not been effected and, therefore, the matter should be argued only after service is complete over all the respondents. This Court observes that the respondents-defendants are adequately represented by their counsel in the present proceedings. No orders prejudicial to their interests are likely to be passed in the present writ petition. The primary relief sought by the petitioner is against Dinesh





Sharma, who has not been impleaded as respondent in the writ petition by the petitioner himself, despite the petitioner's own request for his impleadment as a defendant. Such conduct indicates a deliberate attempt by the petitioner to delay both the suit and the writ proceedings.

16. The petitioner has failed to establish any error apparent on the face of the record or any jurisdictional error being committed by the learned trial Court in passing the order impugned, warranting the interference of this Court. 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 well being delineated ad nauseum and reference may be made for the purpose 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. *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 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. The amendment to Section 115 CPC effective 1.7.2002 vide the Code of Civil Procedure (Amended) Act, 1999 was intended to be a prescription to overcome delays in trials of civil suits which 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.

17. In view of the observations made above, no ground for interference by this Court is made out.

18. The present writ petition is accordingly dismissed.

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

(SANJEET PUROHIT),J

191-praveen/-