

7/2/2026

Counsel Appeared:-

- (i) Shri J.P. Dahidich - For Decree Holder.  
(ii) Shri. Parvez Naqui - For Judgement debtor.  
(iii) Shri Shalindra Singh Rathore - For Applicant.

① Applicant Shri Mahendra Singh filed an application Under Order-1 Rule-10 (2) of section 151 CPC & briefly contended that the applicant had purchased suit property on 26/6/2019 & has possession on 1/4 part of suit property. Thereafter, the applicant on 10/7/2020 published in Newspaper and the plaintiff/Decree-holder had knowledge about it but still the Plaintiff filed Suit for Specific performance of Contract having collusion with Shanti Devi (defendant/ Judgement debtor). The Suit was decreed ex-parte on 27/7/2022 and thereafter the plaintiff/Decree-holder filed the execution proceeding before the Court.

② If the decree would be executed then the applicant would have irreparable loss whereas the applicant is in possession of the suit property. The applicant is necessary party in the execution proceeding. So, that justice prevails.

Hence, requested that the applicant be added/joined as a


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7/2/2026

अपर जिला न्यायाधीश  
प्रा.सं. 1, ककड़ी (राज.)

तारीख हुक्म	हुक्म या कार्यवाही मय इनिशियल्स जज Manoj / Shanti - Execution - 28/2025	नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए
7/2/2026	<p>           party in the execution petition. The application is supported with affidavit of Applicant.         </p> <p>           ③ The plaintiff / Decree-Holder did not file reply to the above application and briefly contended that the petition under O-1 R-10 does not apply to the execution proceedings and the application is filed just to delay the execution proceedings. The Applicant has no right in suit property and is not necessary party, on whose absence the execution proceedings cannot begin. Hence, humbly requested to reject the <del>suit</del> applications with heavy cost.         </p> <p>           ④ The learned Advocate on behalf of applicant Mahendra Singh repeated the averments as mentioned in the application and briefly contended that the applicant has filed appeal against the judgement &amp; decree dt. 27/7/2022 and copy of writ submitted before the <del>court</del> <sup>Court</sup>. The rights of the applicant has been effected by the judgement &amp; decree passed by this court. Hence, requested that the present application filed by applicant be accepted and the applicant Mahendra Singh be impleaded as a party in the execution petition. The learned         </p> <p style="text-align: right;">           7/2/2026            अपर जिला न्यायाधीश            कोटा (राज.)         </p>	

<p>तारीख हुक्म</p>	<p>हुक्म या कार्यवाही मय इनिशियल्स जज Manoj / Shanti - Ex - 29/2025</p>	<p>नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए</p>
<p>2/2/2026</p>	<p>Advocate relied upon citation - Bangalore Development Authority v/s N. Nanjappa &amp; Anr. 2021 (4) DNJ (SC) 1409.</p> <p>⑤ Heard the Counsel and pursued the concerned law &amp; file 4 citation -</p> <p>⑥ At this stage, O-1 R-10 CPC are required to be referred to and which read as under :-</p> <p><u>Order 1 R-10(a) - Court may strike out or Add parties -</u> The Court may at <u>any</u> stage of the proceedings either upon or without the application of either party, &amp; 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, &amp; that 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 &amp; completely to adjudicate upon &amp; settle all questions involved <u>in the suit</u>, be added.</p> <p>⑦ The execution petition is in continuation of the suit. The applicant has interest in the suit property.</p> <p>⑧ Learned Advocate relied upon citation - <u>Bangalore Development Authority v/s N. Nanjappa &amp; Anr - 2021(4) DNJ (SC) 1409 -</u> <u>Held - O-21R-97 - Executing Court dismissed</u> application to implead party in execution petition &amp; objection petition &amp; High Court affirmed</p> <p>2/2/2026 अपर जिला न्यायाधीश क्र.सं.1, केकड़ी (राज.)</p>	

तारीख हुकम	हुकम या कार्यवाही मय इनिशियल्स जज Manoj / Shanti - Execution No- 28/2025	नम्बर व तारीख अहकाम जो इस हुकम की तामील में जारी हुए
7/02/2026	<p>the Order- suit dismissed but High Court set-aside the Order &amp; decreed the suit - Respondent filed execution petition after dismissed S.I.P. Appellant when claiming right, title or interest in the suit property, then the executing Court was required to adjudicate the objection petition- filing of separate suit not necessary &amp; all the questions are required to be adjudicated under O-21 R- 97 or R-99 - Held- Orders are set-aside and the appellant is permitted to be <u>impleaded in execution proceedings and then adjudicate the application.</u></p> <p>⑨ In the present suit the applicant Mahendra Singh submitted that he has interest &amp; possession of the suit property and the plaintiff &amp; defendant made a collusion between themselves &amp; obtained judgement &amp; decree Ex-parte.</p> <p>⑩ The above citation assits the applicant. Besides application under Order 1 Rule-10 the applicant has filed application under Order 21- Rule 97 &amp; 99 CPC. The application under Order 1 Rule-10 CPC and the exercise of power under the provision of Order 21 Rule 97 &amp; 99 CPC are completely different. Further scope under Order 21 Rule 97 &amp; 99 CPC is even much wider.</p> <p>⑪ Since, impleadment of applicant is necessary in the execution petition. Application is to be accepted.</p>	

  
 7/2/2026  
 अपर जिला न्यायाधीश  
 क्र.सं.1, केकड़ी (राज.)

तारीख  
हुकम

हुकम या कार्यवाही मय इनिशियल्स जज

नम्बर व तारीख  
अहकाम जो इस  
हुकम की तामील  
में जारी हुए

Manoj's Shanti - Ex - 28/2025

7/2/2026

Order

⑫ Thus, the application filed by the Applicant under O-1 R-10 CPC is hereby accepted and the applicant Mahendra Singh is impleaded as a party in execution proceedings. No order as to cost.

Sp

7/2/2026

अपर जिला न्यायाधीश

क्र.सं.1, केकड़ी (राज.)

The Decree-holder submitted amended title within specified time. The applicant wants to lead ev<sup>d</sup> in application under O-21 R-96 & 99 of CPC. put up the file for evidence for application under O-21 R-96 & 99 of CPC on <sup>Amended title</sup> 13/2/2026.

Sp

7/2/2026

अपर जिला न्यायाधीश  
क्र.सं.1, केकड़ी (राज.)