

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

S.B. Civil Writ Petition No. 4034/2026

Indrajit Singh S/o Shravan Singh, Aged About 43 Years, R/o Bank 15 FF Tehsil Shri Karanpur, Currently Suratgarh District Sri Ganganagar, Rajasthan.

-----Petitioner

Versus

1. LRs Of Manfoolram, S/o Shri Hariram, R/o Karadwali, Tehsi Raisinghnagar, District Sri Ganganagar, Rajasthan (Deceased).
1/1. Smt. Savitri W/o Late Manfoolram,
1/2. Ashok S/o Late Manfoolram,
1/3. Vijaypal S/o Late Manfoolram,
1/4. Satpal S/o Late Manfoolram,
All are Resident Of Chak 6 MSD Malsar, Tehsil Raisinghnagar, District Sri Ganganagar, Rajasthan.
2. Moduram S/o Trilokdas @ Tilokaram, R/o Ward No. 27, Valimiki Chowk, Suratgarh.
3. Itwarilal S/o Tilokdara @ Tilokaram, Aged About 49 Years, R/o Ward No. 27, Valimiki Chowk, Suratgarh.
4. Indrabhan @ Indra Kumar S/o Tilokdara @ Tilokram, R/o Ward No. 27, Valimiki Chowk, Suratgarh.
5. Nemichand S/o Tilokdas @ Tilokaram, R/o Ward No. 27, Valimiki Chowk, Suratgarh.
6. Radheshyam S/o Tilokdara @ Tikokaram, Aged About 41 Years, R/o Ward No. 27, Valimiki Chowk, Suratgarh.
7. Smt. Kalavati W/o Ramswaroop, And D/o Tilokdara @ Tikokaram, Aged About 61 Years, R/o Ward No. 4, Valimiki Mohalla, Sangaria, District Hanumangarh.
8. Vinod Kumar S/o Devi Lal, R/o Ward No. 32, Suratgarh.
9. Rakesh Kumar S/o Devilal, R/o Ward No. 32, Suratgarh.
10. Smt. Veena Devi W/o Ramparat, D/o Devi Lal, R/o Street Number 01, Ward Number 33, Hanumangarh City, Tehsil And District Hanumangarh.
11. Rajesh S/o Devi Lal, R/o Ward No. 32, Suratgarh, District Sri Ganganagar.
12. Brijlal S/o Kuldeep Chand, Aged About 52 Years, R/o 11

GGR, Tehsil Tibbi, District Hanumangarh.

13. Subhash Chandra S/o Shri Ramesh Chand, Aged About 47 Years, R/o Ward No. 24, Near The New Community Building, Suratgarh, District Sri Ganganagar.
14. Sardararam S/o Pehlwanram, Aged About 51 Years, R/o Dablibas Molvi, Tehsil And District Hanumangarh.
15. Ajay Kumar S/o Lunaram, R/o Ward No. 9, Tibbi, District Hanumangarh.
16. Krishanlal S/o Mukhtiyar Singh, R/o Raloda, Tehsil Tohana, District Fatehabad, Haryana.
17. Shravan Singh S/o Veerbhan, R/o Rattakheda, Tehsil Ellenabad, District Sirsa.
18. Veerbhan S/o Kuldeepam, R/o Rattakheda, Tehsil Ellenabad, District Sirsa, Haryana.
19. Virendra S/o Brijlal, R/o Rattakheda, Tehsil Ellenabad, District Sirsa, Haryana.
20. Ashok Kumar S/o Kuldeep Ram, R/o 67 GV, Tehsil Anoopgarh, Presently Residing At 11 Ggr, Tehsil Tibbi, District Hanumangarh, Rajasthan.
21. Municipality Suratgarh, Through Its Executive Officer.

----Respondents

For Petitioner(s)	:	Mr. Mudit Nagpal
For Respondent(s)	:	Mr. Nishank Madhan

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

24/03/2026

1. The instant writ petition has been preferred by the petitioner against the order dated 02.12.2025, passed by the learned Additional District Judge, Suratgarh in Civil Original Suit No.03/2023, whereby the application filed by the applicants–respondent Nos.15 to 17 under Order I Rule 10 read with Section 151 of the CPC for impleadment as party defendants in the suit,

was allowed and they were impleaded as party defendant Nos.15, 16 and 17.

2. Heard learned counsel for the petitioner and the learned counsel for the respondents.

3. Learned counsel for the petitioner submitted that the petitioner-plaintiff has filed a suit for specific performance of agreements dated 25.12.2010 and 25.04.2016, permanent injunction, cancellation of the Power of Attorney dated 19.10.2022 and declaration of sale deeds dated 27.02.2023 and 18.07.2023 and 19.07.2023, as ineffective, as well as the conversion order passed by the Municipal Board, Suratgarh as null and void. In the suit, the petitioner-plaintiff has made following prayer:-

"क-यह कि वादी के पक्ष में एवं प्रतिवादीगण के विरुद्ध संविदा दिनांक 25.12.2010 एवं दिनांक 25.04.2019 की विनिर्दिष्ट पालना की डिक्री पारित की जावे।

ख-वादग्रस्त कृषि भूमि रोही करबा सूरतगढ़ के खसरा सं० 210/1 में 1.07 बिघा तथा खसरा संख्या 210/2 में 5.02 बिघा व खसरा सं० 213/6 नया खसरा 509/213 में 6.18 बिघा बारानी व खसरा सं० 213/16 नया खसरा संख्या 512/213 में 5.02 बिघा कुल 20.12 बिघा बारानी यानि 5.212 हैक्टेयर का विक्रय पत्र वादी के व्यय पर निष्पादित एवं पंजीकृत करवाने के लिए प्रतिवादीगण को आदेशित किया जावे।

ग-यह कि यदि प्रतिवादीगण इकरारनामा के अनुसार न्यायालय के आदेशानुसार निर्धारित अवधि में विक्रय पत्र वादी के पक्ष में पंजीकृत न कराये जाने की सूरत में न्यायालय द्वारा अधिकृत व्यक्ति के माध्यम से वादी के पक्ष में विवादित भूमि का विक्रय पत्र पंजीकृत करवाये जाने का आदेश फरमाये जावे।

घ-यह कि यदि किसी विधिक बाधा के कारण से इकरारनामा दिनांक 25.12.2010 की संविदा की पालना में वादग्रस्त भूमि का विक्रय पत्र वादी के पक्ष में पंजीकृत करवाया जाना सम्भव नहीं हो तो उस सूरत मे प्रतिफल 2600000/- रुपये एवं बाजार मे प्रचलित दर से ब्याज व डेमेजेज संबंधी आदेश जारी किया जाकर उसका चार्ज वादग्रस्त भूमि पर रखा जावे ।

ड-यह कि दो मुक्तयारनामा दिनांक 19.10.2022 को निरस्त किया जावें एवं उसके आधार पर करवाया गया विक्रय पत्र दिनांक 27.02.2023 को वादीगण के अधिकारों पर अकृत व प्रभावशून्य घोषित किया जावें जिसका उप पंजीयक कार्यालय मे विक्रय पत्रों पर नोट अंकित किये जाने का आदेश जारी किया जावे।

ड1- यह कि प्रतिवादीगण संख्या 18 से 20 के पक्ष में निष्पादित एवं पंजीकृत बैयनामे दिनांक 18.07.2023 व 19.07.2023 को वादी के अधिकारों पर अकृत व प्रभाव शून्य घोषित किया जावें तथा उप पंजीयक कार्यालय मे आशय का नोट विक्रय पत्र पर लगाये जाने का आदेश जारी किया जावे।

ड2-नगरपालिका प्रतिवादी संख्या 21 के विरुद्ध आज्ञात्मक व्यादेश जारी किया जावे कि उसके द्वारा धारा 90 ए भू-राजस्व अधिनियम के अन्तर्गत संपरिवर्तन की कार्यवाही का आदेश वापिस लेवे तथा राजस्व रिकार्ड की जमाबंदी से भूमि का नगरपालिका के नाम से दर्ज इन्द्राज को कलमभज करवाये।

च- यह कि प्रतिवादीगण के विरुद्ध शाश्वत व्यादेश जारी किया जावे कि वे वादग्रस्त कृषि भूमि रोही कस्बा सूरतगढ़ के खसरा संख्या 210/1 में 1.07 बिघा तथा खसरा संख्या 210/2 में 5.02 बिघा व खसरा सं० 213/6 नया खसरा सं० 509/213 (509/213) में 6.18 बिघा बारानी व खसरा सं० 213/16 नया खसरा सं० 512/213 में 5.02 बिघा कुल 20.12 बिघा बारानी यानि 5.212 हैक्टेयर कृषि भूमि को अन्य किसी को रहन, बैय भार सृजित करने तथा पट्टा जारी करने या करवाने, निर्माण नहीं करने व करवाने देवे, भूमि की वास्तविक स्थिति में किसी प्रकार से परिवर्तन करने तथा अन्य प्रकार से हस्तांतरित करने व वादी के शान्तिपूर्ण ढंग से कब्जा में हस्तक्षेप करने व कब्जा से बेदखल करने से निषिद्ध व अवरुद्ध रहे।

छ-वादी को प्रतिवादीगण से वाद व्यय दिलवाया जावे।

ज-अन्य कोई अनुतोष जो वादी हित में हो जारी किया जावे।"

4. It is contended by learned counsel for the petitioner that in the suit filed by the petitioner, the applicants - Ajay Kumar, Krishanlal and Shravan Singh preferred an application under Order I Rule 10 read with Section 151 of the CPC, which was allowed by the learned trial Court vide impugned order dated 02.12.2025 and they were impleaded as party defendants Nos.15, 16 and 17 in the suit proceedings.

5. Learned counsel submitted that the learned trial Court erred in allowing the aforesaid application filed by the applicants-respondents. The learned trial Court firstly observed that the land described in the agreements dated 25.12.2010 and 25.04.2016 relied upon by the plaintiff and the agreement dated 23.09.2021 produced by the applicant Ajay Kumar appears to be the same. The learned trial Court has wrongly observed that the applicants were claiming possession of the disputed land and the plaintiff had also sought a permanent injunction relating to possession. He argued that if the applicants have some right over the property in question, for seeking claim they have to file a separate suit.

Learned counsel also submitted that the suit was filed by the petitioner and no injunction was prayed against the newly added applicants, therefore, impleadment of applicants as defendants has been seriously opposed by the petitioner.

6. Learned counsel relied upon the judgments of the Hon'ble Supreme Court rendered in the case of ***Nak Engineering Company Pvt. Ltd. Vs. Tarun Keshrichand Shah & Ors.*** reported in ***2026 LiveLaw (SC) 5*** and in the case of ***M/s J.N. Real Estate Vs. Shailendra Pradhan & Ors.*** reported in ***2025 LiveLaw (SC) 519*** and submitted that the persons who filed a suit are *dominus litis* and it is for them to choose their adversaries and if they do not array the proper and necessary parties to the suit, they do it at their own risk. It is contended that in the present case since, the petitioner has not claimed any relief against the respondent Nos.15 to 17, the impugned order deserves to be quashed and set aside.

7. Learned counsel for the petitioner also submitted that the respondents are claiming their right on the basis of the agreement which was not executed by the petitioner and it is false and fabricated document and the petitioner has already initiated proceedings and an FIR was also registered against the respondents in which investigation is going on.

8. Learned counsel for the petitioner also raised an objection that the application under Order I Rule 10 of CPC for impleadment of Ajay Kumar, Krishanlal and Shravan Singh as party defendants was filed by only Ajay Kumar and the same was duly signed by him, whereas application contains names of the other persons Krishanlal and Shravan Singh to be impleaded as party

defendants, whereas these persons have not filed any application for impleadment as party respondents.

9. *Per contra*, learned counsel for the respondent Nos.15 to 17 submitted that the petitioner executed an agreement to sell in respect of disputed land in favour of appellants-respondents and handed over possession thereof, and if any order is passed in the suit, it will adversely affect the rights of the respondents. Therefore, they moved the application for impleadment and the learned trial Court while allowing the application impleaded them as party respondents which was rightly done. He also submitted that the agreement to sell was executed by the petitioner himself and in pursuance to that possession of the property in question was also handed over to the respondents.

10. Learned counsel for the respondents has relied upon the judgment dated 13.04.2018, passed by a Coordinate Bench of this Court in the case of **Bhagwan Singh Vs. Madan Singh : S.B. Civil Writ Petition No.5265/2017** reported in **2018(2) CJ (Civ.) (Raj.) 964** whereby it was held that if any 3rd party has been shown to have a direct interest in the property in question for which, decree of specific performance is being sought, then the learned Court below ought to have liberally permitted the said party to be impleaded as a party to the suit.

11. Learned counsel also relied upon the judgment dated 15.05.2018, passed by a Coordinate Bench of this Court at Jaipur in the case of **Sumitra Devi (Smt.) Vs. Smt. Lachhma Devi & Anr. : S.B. Civil Writ Petition No.10547/2018** reported in **2018(2) CJ (Civ.) (Raj.) 972** whereby the Court allowed the prayer for impleadment of party respondents.

12. Having heard learned counsel for the parties, after considering the facts and circumstances of the case and perusal of the record, this Court finds that while allowing the application preferred by the respondents under Order I Rule 10 of CPC, the learned trial Court has categorically mentioned that though respondents are having right over the property in pursuance of the agreement to sell but the property was the subject matter of the suit filed by the petitioner and there was an agreement executed between the petitioner and the respondents. The genuineness of the said agreement is to be determined by the learned trial Court after recording of the evidence during the trial.

13. The judgment relied upon by the learned counsel for the respondent in the case of Bhagwan Singh (supra) has settled the issue that if a person is having a direct interest in the property subject matter of the suit, he is required to be heard.

14. So far as the issue with regard to filing of application by Ajay Kumar and not by Krishanlal and Shravan Singh is concerned, it is submitted by learned counsel for the respondents that though these persons have not filed the application, they have submitted application through Ajay Kumar and application contains their names to be impleaded as party defendants, as they are the persons to be affected, therefore, it was prayed that these persons be impleaded as party defendants. Therefore, the application preferred by only Ajay Kumar does not create a bar for remaining applicants to be impleaded as party defendants.

15. This Court is of the view that in a case of impleadment as party defendants, either petitioner or the respondent himself has to file an application for impleadment, whereas in the case in

hands, the application was filed and signed by Ajay Kumar only and other two persons namely Krishanlal and Shravan Singh neither signed in the application nor filed any separate application for impleadment. The learned trial Court erred in impleading other persons namely Krishanlal and Shravan Singh without any application for impleadment as party defendants. It is settled principle that the law assists those who are vigilant and not those who sleep over their rights. Hence, persons namely Krishanlal and Shravan Singh cannot be permitted to be impleaded as party defendants without following process of law.

16. Accordingly, the writ petition is partly allowed. The order dated 02.12.2025 passed by the learned trial Court impleading the applicants as party respondents is modified to the extent of impleading Krishanlal and Shravan Singh as party respondents. Hence, Krishanlal and Shravan Singh are deleted from the array of defendants/respondents. This Court finds no illegality in the order dated 02.12.2025 passed learned trial Court in impleading Ajay Kumar as party defendant No.15 who preferred the application.

17. The stay application and the pending applications, if any, also stand disposed of.

(MUKESH RAJPUROHIT),J