

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

S.B. Civil Writ Petition No. 5218/2026

Ambalal Nayak, Aged About 68 Years, Major R/o C-3 Shiv Park Colony, Durga Nursary Road, Udaipur Rajasthan

-----Petitioner

Versus

1. Sh. Rajesh Nagori, R/o C-3 Shiv Park Colony, Durga Nursary Road, Udaipur Rajasthan
2. Municipal Corporation, Udaipur Through Its Commissioner

-----Respondents

For Petitioner(s) : Ms. Vrinda Bharadwaj for Dr. Harish Purohit

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

09/03/2026

It is contended by learned counsel for the petitioner that in 2008, a suit for injunction was decreed in favour of the *Kasturba Matra Mandir, Udaipur Registered Society*, vide judgment dated 23.08.2008 and the Nagar Nigam, Udaipur was restrained to interfere in the suit property and initiate the necessary proceedings in respect to the revised plan. However, in connivance of Nagar Nigam, Udaipur, no action has been initiated against the society till date.

Learned counsel for the petitioner submits that in pursuance to the complaints, the Nagar Nigam, Udaipur has issued notices to the tenants, who have filed present suit without disclosing the fact that earlier decree was passed and without impleading the landlord *Kasturba Matra Mandir, Udaipur* as party to the suit. It is

contended that the tenants are having hand in glove with *Kasturba Matra Mandir, Udaipur* & Nagar Nigam, Udaipur. It is also contended that on the complaint filed by the petitioner, notices have been issued by the Nagar Nigam, Udaipur and the petitioner is a necessary party in the matter. However, the trial court has erred in rejecting application under Order I Rule 10 of CPC in mechanical manner.

The matter requires consideration.

Issue notice to the respondent(s), returnable within four weeks.

Notice be given '*dasti*' to learned counsel for the petitioner for effecting service upon respondent(s).

List the matter after four weeks.

(MUKESH RAJPUROHIT),J