

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

S.B. Civil Writ Petition No. 18291/2025

1. Amar Singh S/o Jor Singh, Aged About 52 Years, Bagji Ka Par, Tehsil Baap, District Jodhpur.
2. Padam Singh S/o Jor Singh, Aged About 51 Years, Bagji Ka Par, Tehsil Baap, District Jodhpur.
3. Vijay Singh S/o Jor Singh, Aged About 48 Years, Bagji Ka Par, Tehsil Baap, District Jodhpur.
4. Gopi Devi W/o Vijay Singh, Aged About 46 Years, Bagji Ka Par, Tehsil Baap, District Jodhpur.

----Petitioners

Versus

1. State Of Rajasthan, Through Tehsildar, Baap, Dist. Falodi.
2. Sub-Divisional Officer, Baap, Dist. Falodi.
3. Mehraj Singh S/o Jaswant Singh, Bagji Ka Par (Jemla), Tehsil Baap, District Falodi.

----Respondents

For Petitioner(s)	:	Mr. Om Prakash Mr. Sunil Nain
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HON'BLE MR. JUSTICE SANJEET PUROHIT

Judgment

23/02/2026

1. Present writ petition is filed challenging order dated 07.11.2022 passed by learned Sub-Divisional Officer, Bap, District Phalodi whereby application preferred by respondent No.3 under Order 1 Rule 10 CPC for impleadment was allowed. Order dated 13.01.2025 dismissing the review petition is also challenged in the present case.

2. Explaining the background facts, counsel for petitioners stated that a revenue suit No.169/2019 was filed by petitioners before the Court of Assistant Collector cum Sub Divisional Officer,

Bap under Section 88 read with Section 136 of the Rajasthan Land Revenue Act, 1956. It is stated in the plaint that although the petitioner is recorded as the khatedar of Khasra No. 150 to the extent of 209.06 bighas, he is in actual possession of the entire land comprised in Khasra No. 150, measuring 376.05 bighas. Accordingly, the petitioner has sought a decree declaring him as the recorded khatedar of Khasra No. 150 to the full extent of 376.05 bighas, including the additional land situated on the eastern side of his presently recorded holding.

3. In the said suit, an application under Order I Rule 10 CPC was filed by respondent No. 3 stating therein that he has khatedari rights over land bearing Khasra No. 151/1 measuring 109.10 bigha and is also in possession of additional land situated on the eastern side of the plaintiff's land. It was further mentioned in the application that the plaintiff has claimed rights over the said portion of land which is in possession of the applicant; hence, he is a necessary party to the said suit.

4. Considering the peculiar facts of the case, learned Court of Assistant Collector, Bap, District Phalodi allowed application of respondent No.3 and impleaded him as party respondent vide order dated 07.11.2022. The said order was challenged by way of filing a review petition and the same was rejected vide order dated 13.01.2025.

5. Challenging both the said orders dated 07.11.2022 and 13.01.2025, present writ petition is filed.

6. Learned counsel for the petitioner submitted that the suit has been instituted against the State authorities, and the relief sought is also against them. Therefore, since no relief has been claimed

against respondent No. 3, he is neither a necessary nor a proper party to the suit proceedings.

7. He further stated that impleadment of respondent No.3 as party-respondent would expand the scope of suit and thus, orders impugned are not sustainable in the eye of law. Invoking the theory of *dominus litis*, counsel for the petitioner stated that plaintiff petitioner cannot be compelled to contest the case against third person who is stranger to the suit proceedings.

8. Heard counsel for the petitioners and perused the material available on record.

9. This Court finds that petitioner is a recorded Khatedar of Khasra No.150 measuring 209.06 bigha and has prayed for a decree of declaration regarding his khatedari rights to the additional land of the same Khasra measuring 376.10 bigha. The claim declaring for additional land is based upon factual averments of plaintiff's possession over the said additional land situated at the east side of plaintiff's land. The Court of Assistant Collector has recorded a clear finding that respondent No.3 is also recorded khatedar of adjacent Khasra i.e. Khasra No.151/1 and he also claimed his possession over the same additional land claiming himself to be in possession. In such circumstances, the learned court below has declared respondent No.3 as a necessary and proper party to the said proceedings.

10. This Court finds that said discretionary power has been exercised by learned Assistant Collector, Bap, District Phalodi judiciously and while recording a specific finding, the same does not call for interference by this Court.

11. This Court also finds that both the parties have claimed their rights for the same piece of land based on their long-standing possession and therefore, said issue is required to be decided in presence of both the parties in order to avoid the complexity and multiplicity of proceedings. No perversity, illegality, jurisdictional error or any error apparent on the face of record is found in the order impugned which may warrant interference by this Court.

12. So far as order dated 13.01.2025 is concerned, same has been passed while rejecting the review petition of the petitioner. Learned Court below while referring to provision of Section 229 of Rajasthan Tenancy Act, 1955 and order 47 Rule 1 CPC has clearly observed that petitioner has failed to establish any error factual or legal in the order dated 07.11.2022 and since scope of interference of Court in its review jurisdiction is very limited, the review petition was rightly rejected by learned authority below. This Court finds no error in the said order dated 13.01.2025.

13. As an upshot of the above discussion, the present writ petition, being devoid of merits, is dismissed.

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

(SANJEET PUROHIT),J