

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 2145/2026

Smt. Geeta Devi Wife Of Late Shri Ratan Lal, Aged About 72 Years, Resident Of Hh-75, Village Jhalana, Mavliya Nagar, Tehsil Sanganer, Jaipur.

----Petitioner

Versus

1. Mahendra Yogi Son Of Late Shri Ratan Lal Yogi, Aged About 43 Years, Resident Of H.h.75, Village Jhalana, Mavliya Nagar, Tehsil Sanganer, Jaipur.
2. Hemant Yogi Son Of Late Ratan Lal Yogi, Resident Of H.h.75, Village Jhalana, Mavliya Nagar, Tehsil Sanganer, Jaipur.
3. Yogesh Yogi Son Of Late Shri Ratan Lal Yogi, Resident Of H.h.75, Village Jhalana, Mavliya Nagar, Tehsil Sanganer, Jaipur.

----Respondents

For Petitioner(s) : Mr Ravi Choudhary

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

25/02/2026

1. The present writ petition has been filed challenging the order dated 18.11.2025, passed by the learned Additional Civil Judge No.17, Jaipur Metropolitan I, Head Quarter Sanganer, in Civil Suit No. 227/2022, whereby the application filed by the petitioner under Order I Rule 10 CPC, seeking impleadment as Defendant No. 3, has been rejected.

2. Learned counsel for the petitioner submits that the petitioner is the owner of the property in question and, therefore, ought to have been impleaded as a party to the suit proceedings.

3. Heard.

4. This Court finds that the suit in question is a simpliciter suit for permanent injunction. It is a well-settled principle of law that

the plaintiff is the *dominus litis* and is the master of the suit. It is for the plaintiff to decide against whom he seeks relief and with whom he wishes to contest the proceedings, particularly in a suit for injunction.

5. Recently, the Hon'ble Apex Court in ***Nak Engineering Company Pvt. Ltd. vs. Tarun Keshrichand Shah & Ors.***, reported in **2026 INSC 8**, has reiterated the legal position with regard to impleadment of parties in such matters. The relevant portion of the judgment is reproduced hereunder:

"39. This apart, the respondent Nos.1 and 2 who have instituted the suit are dominus litis and it is for them to choose their adversaries. If they do not array the proper and necessary parties to the suit, they do it at their own risk. However, they cannot be compelled to add a party to defend a suit against their wishes. The decree, if any, passed in the suit would be binding only between the parties to the suit and would not infringe upon any right of a third party, much less of the appellant that is not a party to the suit.

40. This conclusion is reinforced by the fundamental principle laid down in **Kanaklata Das v. Naba Kumar Das**; (2018) 2 SCC 352, wherein this Court has observed:

"11.4. ...the plaintiff being a dominus litis cannot be compelled to make any third person a party to the suit, be that a plaintiff or the defendant, against his wish unless such person is able to prove that he is a necessary party to the suit and without his presence, the suit cannot proceed and nor can be decided effectively. In other words, no person can compel the plaintiff to allow such person to become the coplaintiff or defendant in

the suit. It is more so when such person is unable to show as to how he is a necessary or proper party to the suit and how without his presence, the suit can neither proceed and nor it can be decided or how his presence is necessary for the effective decision of the suit.

11.5. ... 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."

6. In view of the above facts and circumstances, this Court is not inclined to interfere with the impugned order or to direct the impleadment of the petitioner as Defendant No. 3 in the suit.

7. Consequently, the present writ petition stands dismissed.

8. However, it is made clear that any decree passed in the suit shall not be binding upon the applicant-petitioner.

9. Pending application(s), if any, stand disposed of.

(BIPIN GUPTA),J