

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 698/2025

Shri Surajmal Tak S/o Late Shri Mohan Lal Ji Tak and ors.

----Appellants

Versus

Radhakrishan Tak S/o Late Shri Mohan Lal Ji Tak and ors.

----Respondents

For Appellant(s)	:	Mr. Reashm Bhargava
For Respondent(s)	:	Mr. Nitin Jain for respondent No.1 to 6 Mr. Dileep singh Jadaun for the applicants.

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

06/10/2025

1. Instant first appeal has come up on a Misc. Application No.1/2025 filed under Order 1 Rule 10 CPC by the subsequent purchaser of suit property i.e. plot No.7 situated in Nagaur Nagar Residential Scheme, Gopalpura Bypass, Jaipur, seeking impleadment in the present first appeal.
2. Appellants-plaintiffs claimed partition of said property, by way of filing civil suit on 17.08.2024 which has been rejected under Order 7 Rule 11 CPC, by Additional District Judge No.5, Jaipur Metropolitan -I, vide order dated 09.01.2025 whereagainst they have preferred the present Civil First Appeal on 12.03.2025. In the meanwhile, respondent-defendant Nos.1 to 4, who allege themselves to be absolute owner of the suit property on the basis of Will, have transferred the suit property through registered sale deed dated 25.02.2025 in favour of the applicants viz. (1) Virendra Verma (2) Smt. Kiran Verma and (3) Sarthak Verma who have moved an application for impleadment in the first appeal.

3. Indisputably, the title and interest in the suit property has been transferred in favour of the applicants and though by virtue of such transfer, the right of partition, claimed by the appellants-plaintiffs is not affected, yet in the considered opinion of this Court, applicants being purchasers of suit property through registered sale deed, are necessary and proper parties to be heard. Otherwise also, by virtue of Order 22 Rule 10 CPC, applicants can be made party in the present litigation.

4. In view of the above, the application filed by the applicants is allowed. The applicants are allowed to be impleaded as party respondents in the present appeal. Amended cause title be filed by the appellants within a period of two weeks and a copy of appeal be served in the office of counsel, appearing on behalf of the newly impleaded applicants.

5. The interim stay order dated 16.04.2025 shall remain operative upon the impleaded respondents as well.

(SUDESH BANSAL),J