

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4880/2026

Hari Ram S/o Raja Ram

-----Petitioner

Versus

Smt. Vimla Kumari Gaur D/o Ratan Lal Salawat

-----Respondent

For Petitioner(s) : Mr. Vikas Jain

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

18/03/2026

1. The present petition has been filed assailing the order dated 22.02.2026 passed by the learned Senior Civil Judge, Nainwa, District Bundi, whereby the application filed by the petitioner under Order I Rule 10 read with Section 151 of the CPC for impleadment as a party-defendant in the suit filed by the plaintiff-respondent against the defendant-respondent has been rejected.

2. Learned counsel for the petitioner submits that the petitioner had entered into an agreement prior to the agreement executed in favour of the plaintiff, and the existence of such prior agreement has been admitted by the plaintiff, who contended that the petitioner's agreement stood cancelled on account of non-compliance, and thereafter an agreement dated 2014 was executed in her favour.

3. Learned counsel further submits that, in view of the above, the petitioner is a necessary party to the proceedings. It is further submitted that the cause of action for filing a suit for specific performance has not yet arisen in favour of the petitioner, as under the terms of his agreement, it was incumbent upon the

seller to obtain a patta, whereafter the agreement was to be performed.

4. Learned counsel for the petitioner further submits that proceedings for issuance of patta are presently ongoing, whereas no such condition exists in the suit filed by the plaintiff–respondent against the defendant–respondent. It is contended that the parties therein may obtain a collusive decree behind the back of the petitioner, which would seriously prejudice his rights.

5. Heard.

6. Let notices be issued confined to the respondent No.1. Rule is returnable within four weeks.

7. In the meanwhile, further proceedings in Civil Suit No. 03/2025, pending before the Court of learned Senior Civil Judge, Nainwa, District Bundi, shall remain stayed till the next date of hearing.

8. The order will come into effect only after service on the respondent No.1 is complete.

9. List this matter after four weeks.

(BIPIN GUPTA),J