

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 596/2026

Jagdish Kumawat S/o Shri Surajkaran Kumawat, Resident Of
Kumawat Colony, Sendhra Road, Beawar, District Beawar
(Rajasthan).

----Appellant-Applicant

Versus

1. Shri Jetharam, Aged 55 Years, Son Of Shri Lalaram, R/o 220, Main Bazar, Anai Kut, Taluk, Taluk, Anaikatu, Vellor, Tamilnadu.
2. Shri L. Dharmichand, Aged About 37 Years, Son Of Shri Laburam, R/o 122/1, Bajhar Gali, Pappireddipatti, Dharmapuri, Tamilnadu.
3. Shir Babulal Choudhary, Aged 59 Years, Son Of Shri Mangharma, R/o 192/1, Sundharam Pillai Nagar, First Main Gali, Tordepet, Chennai, Tamilnadu.
4. Shri Praveen Sirvi, Aged 29 Years, Son Of Shri Heeralal Sirvi, R/o 28, Second Cross, G.B. Lane, Kotan Pet, Bangalore South, Chitpet.
5. Shri T. Ratanlal, Aged 46 Years, Son Of Shri Tejaram, R/o 10/215, Pari Salai, J.J. Nagar, Mogappaiyar East, Chennai, Mogappaiyar, Tiruvallur, Tamilnadu.
6. Shri Venaram Choudhary, Aged 49 Years, Son Of Shri Kesaram, R/o 28, Second Cross, G.B. Lane, Kotan Pet, Bangalore South, Chitpet.
7. Shri Dinesh Mewara, Aged 52 Years, Son Of Shri Pusaram Mewara, R/o 35, Jajodiya Nagar, I.O.C. Colony Ke Samne, Sendhra Road, Beawar, District Beawar (Raj.).
8. Smt. Sayar Bai, Aged 50 Years, Wife Of Late Shri Dawarram
9. Shri Sohanlal, Aged 29 Years, Son Of Late Shri Dawarram
10. Shri Kishore Kumar, Aged 27 Years, Son Of Late Shri Dawarram
11. Miss Priya, Aged 25 Years, Daughter Of Late Shri Dawarram
Number 8 To 11, Resident Of Village Birathiyakhurd Bera Nokari, Tehsil Raipur, District Pali, Present District Beawar(Raj.) Present Resident Of Door Number 3/123,

Thoropathi Amman Koel Gali, Mousur, Village/Town Of Arkkonam, Taluk Of Ranipet, Tamilnadu.

12. Shri Manesh Kumar, Aged 52 Years, Son Of Shri Chiranjilal, R/o Village Jhala Ki Chowki, Tehsil Raipur, District Pali, Present District Beawar (Raj.).
13. Smt. Geeta, Aged 40 Years, Wife Of Shri Tejaram
14. Shri Tejaram Aged 47 Years, Son Of Shri Lalaram Ji, Number 13 And 14 Both Are Resident Village Birathiyakhurd, Tehsil Raipur, District Pali, Present District Beawar (Raj.)
15. Shri Dharmichand, Aged 38 Years, Son Of Shri Babulal, R/o 192/1, Sundram Pilai Nagar First Main Road, Tondiyarpet, Chennai, Present Resident Of Village Birathiyakhurd Bera Chhoti Navet, Tehsil Raipur, District Pali, Present District Beawar (Raj.)
16. Shri T. Genram, Aged 44 Years, Son Of Shri H. Tejaram, R/o Village Khera Mamawas Bera, Gangajal Raipur, District Pali, Present District Beawar (Raj.) Present Resident Of 10/215, Parisallai, 7-H Bas Terminals Ke Samne, Mogappaiyar East, Chennai, Tamilnadu-600037.

----Respondents/Plaintiffs

17. Smt. Krishna Pyari Somani, Aged 78 Years, Wife Of Shri Omnarayan Ji, R/o Sendra Road, Beawar, District Ajmer, Present District Beawar (Raj.).
18. Shri Ritesh Somani, Aged 48 Years, Son Of Shri Omnarayan Somani, R/o 100 Feet Road, Behind, G.S.S. Ke Pichhe, Civil Lines, Kankroli, District Rajsamand (Raj.).
19. Shri Vikas Kumawat, Aged 43 Years, Son Of Shri Ramnarayan
20. Smt. Mamta, Aged 46 Years, Wife Of Shri Vikas Kumar Kumawat
Number 3 And 4 Both Are Resident Of Badripaan Ki Gali, First B, Sardarpura, Hanuman Mandir Ke Pass, Jodhpur (Raj.).
21. State Of Rajasthan Through The District Collector, Beawar (Raj.).
22. The Sub-Registrar, Beawar, District Beawar (Raj.).

----Respondents/Defendants

For Appellant(s) : Mr. Abhishek Sharma
Mr. Loknath Acharya

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

23/04/2026

This instant civil first appeal is filed by the appellant under section 96 CPC against the judgment and preliminary decree dated 28.01.2026 passed by District Judge, Beawar, District Beawar in Civil Case no. 75/2024, whereby, the suit filed by the respondent/plaintiffs has been decreed, wherein, appellant was not impleaded as a party. Therefore, the appellant filed an application under Order 1 Rule 10 of CPC, to be impleaded as party to the said suit, which was rejected vide order dated 10.11.2025. Therefore, application for seeking leave to file first appeal has been filed by the appellant.

Learned counsel for the appellant submits that 1/3rd share of disputed land was in name of Ashok and Kamal jointly, which was purchased by the appellant on 01.01.2020, therefore, the appellant was also a necessary party in the said suit, however, the said suit was filed without impleading him as a party.

Learned counsel for the appellant further submits that during the pendency of the suit also the appellant filed an application under Order 1 Rule 10 CPC for impleading in the said suit, which was dismissed vide order dated 10.11.2025 passed by the learned trial Court, against which the Writ Petition No.549/2026 filed by the appellant was also disposed of by this Court vide order dated 04.02.2026, with the liberty to the appellant to redress his

grievance and raise all objections at the appropriate stage, therefore the appellant has filed this appeal along with the application for leave to appeal.

The matter requires consideration.

Issue notice of the Application No.1/2020 i.e. application for leave to appeal to the respondents by both modes i.e. by ordinary course as well as by registered post, returnable after four weeks. Requisites be filed within a period of one week.

List the matter after four weeks.

Till the next date of hearing, parties are directed not to create any third party interest with regard to the property in question.

It is made clear that this order shall come into force only after service of the respondents.

(ASHUTOSH KUMAR),J