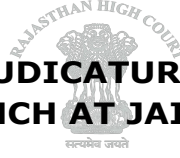




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 7841/2026

M/s Firm S.P. Associates, Address L.301, Mahima Elite New Sanganer Road, Sodala, Jaipur Rajasthan Through Partners-
(A) Shubh Agarwal aged 28 Years Son of Shri Vinod Agarwal Resident of Bayana, Tehsil Bayana, Office Address- L, 301, Mahila Elite, New Sanganer Road Sodala, Jaipur (Rajasthan) Through Partner
(B) Praveen Jain aged about 48 Years Son of Nirmal Kumar, Resident of Jaipur, Office Address- L, 301, Mahila Elite, New Sanganer Road Sodala, Jaipur (Rajasthan) Through Partner
(C) Mohit Garg aged about 31 Years Son of Rajendra Kumar Resident of Bharatpur, Office Address- L, 301, Mahila Elite, New Sanganer Road Sodala, Jaipur (Rajasthan) Through Partner
(D) Neeraj Kasliwal aged about 41 Years Son of Mohan Lal Jain Resident of Sawai Madhopur, Office Address- L, 301, Mahila Elite, New Sanganer Road Sodala, Jaipur (Rajasthan) Through Partner
All Through Power of Attorney Holder Shri Praveen Jain (Petitioner No. B)

-----Petitioner

Versus

1. M/s Maa Kailadevi Silica Sand, near Gram Jaswant Nagar, Bayana, Registered office at Residence Ramkhiladi Meena, Village Agawali, Tehsil-Bayana, Distt. Bharatpur (Rajasthan) Through Partners
 - 1.1 Brajmohan Agarwal Son of Shri Badri Prasad Agarwal, aged about 67 Years, Resident of Sampatti Niwas, Arya Samaj Road, Bayana, Tehsil- Bayana District Bharatpur, Rajasthan.
 - 1.2 Brajesh Tiwari Son of Shri Jamunaprasad Tiwari, Aged About 55 Years, Resident of Subhash Chowk, Town Bayana, Tehsil- Bayana, District Bharatpur Rajasthan.
2. State of Rajasthan, Through Collector Bharatpur (Rajasthan).
3. Assistant Mining Engineer, Department of Mines And Geology Roopwas, District Bharatpur (Rajasthan).
4. Ram Khiladi Meena, Son of Shri Rangi Lal, Aged About 73 Years, Resident of Village Agawali, Tehsil Bayana, Distt. Bharatpur (Rajasthan).



5. Virendra Agarwal Son of Shri Badri, aged about 59 Years,
Resident of Arya Samaj Road Bayana, Tehsil Bayana
District Bharatpur.

----Respondents

For Petitioner(s) : Mr. Sandeep Singh Shekhawat with
Mr. Akshay Dutt Sharma
For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

01/05/2026

1. The present writ petition has been filed by the petitioners under Article 227 of the Constitution of India, assailing the order dated 12.08.2024 passed by the learned Additional Chief Judicial Magistrate No.2, Bayana, District Bharatpur in Civil Suit No.168/2023 titled as '*M/s Maa Kailadevi Minerals vs. State of Rajasthan & Ors.*', whereby the plaintiff/respondent's application filed under Order 1 Rule 10 and Order 6 Rule 17 read with Section 151 CPC has been allowed.

2. Brief facts giving rise to the present civil writ petition are that the respondent no.1 - *M/s Maa Kailadevi Minerals* (hereinafter to be referred as 'the plaintiff') filed a suit for declaration and permanent injunction against the respondent no. 2, 3 and 4 (hereinafter to be referred as 'the defendant no. 1, 2 and 3', respectively) at the behest of a partnership deed dated 28.07.2016 executed between the plaintiff and the defendant no. 3 for excavation and development of the registered mining lease dated 17.07.1984 bearing ML No. 101/03 (earlier ML No. 11/83) granted in favour of the defendant no. 3 by the Department of Mines. It was averred in the plaint that the said lease constituted



a joint asset of the partnership firm and was liable to be transferred in the name of the firm. It was further alleged that defendant No. 3 developed ill will against the plaintiff and threatened to transfer the mining lease to a third party; accordingly, the suit for declaration and permanent injunction came to be filed.

3. During pendency of the suit, the plaintiff filed an application under Order 1 Rule 10 and Order 6 Rule 17 read with Section 151, CPC seeking impleadment of defendant Nos. 4 and 5 as parties to the suit, along with consequential amendments to the plaint in the interest of justice.

4. Thereafter, defendant No. 3 filed a reply to the said application, contending that the contract between the plaintiff and defendant No. 3 had been rejected by the Assistant Mineral Engineer, Mines and Geology Department, Roopwas, on account of non-payment of the requisite fee in accordance with the applicable rules. It was further stated that defendant No. 3 thereafter validly transferred the mining lease in favour of the defendant No. 4 (present petitioner) vide registered transfer deed dated 26.05.2022, in compliance with Rule 27 of the Rajasthan Minor Mineral Concession Rules, 2017 (hereinafter to be referred as 'the Rules of 2017'). It was thus contended that the transfer was not hit by any subsisting stay or restriction, and the assertion that the lease was transferred prior to filing of the suit so as to warrant impleadment was misconceived. Accordingly, rejection of the application was prayed for.

5. Defendant no. 1 and 2 did not file reply to the said application.



6. Learned Trial Court, after considering the submissions advanced by the parties, vide order dated 12.08.2024, allowed the application filed by the petitioner under Order 1 Rule 10 and Order 6 Rule 17 of CPC and impleaded the petitioner as defendant no. 4.

7. Being aggrieved thereby, the petitioner has preferred the present civil writ petition.

8. Learned counsel for the petitioner submits that the learned Court below erred in allowing the application without appreciating the fact that the said subjected mining lease was transferred in favour of the petitioner on 26.05.2022, much prior to filing of the suit. He further submits that the present suit filed by the petitioner is contrary to the Rules of 2017. He also submits that it is a settled principle of law that amendment of plaint should not be allowed if it alters the nature of suit and in the present case the application filed under Order 6 Rule 17 of CPC, clearly changes the nature of the suit. He lastly submits that the petitioner is neither a necessary party nor a proper party to the suit, yet the learned Court below allowed the application under Order 1 Rule 10 of CPC and impleaded the petitioner as defendant no. 4, therefore, submits that the impugned order is bad in law and accordingly prays that the same may be quashed and set aside.

9. Heard learned counsel for the petitioner and also perused the material available on record.

10. From the record, it is evident that the present suit has been filed by the plaintiff for declaration and permanent injunction, founded on an alleged partnership deed and the fact that the lease in question is the property of the plaintiff/firm. In the suit, the plaintiff has, inter alia, sought a decree of permanent injunction



restraining the original defendants from causing any hindrance, as well as restraining defendant No. 3 from transferring the mining lease in question to any third party. During the pendency of the suit, the plaintiff moved an application under Order 1 Rule 10 and Order 6 Rule 17 of the Code of Civil Procedure, seeking impleadment of the present petitioners as defendant No. 4. The application was premised on the ground that, since the mining lease in question stood transferred in favour of the proposed defendant No. 4 (vide document dated 26.05.2022), and therefore, their impleadment was necessary for the proper and effective adjudication of the suit.

11. From a bare perusal of the record, it is evident that immediately prior to institution of the suit, the mining lease in question came to be transferred in favor of the present petitioners and the same was registered on 26.05.2022. The learned Court below, after careful examination of the factual matrix, has observed that the subject matter of suit presently vests with the petitioners, therefore, the presence of present petitioners is very much necessary for the effective and complete adjudication of the *lis* and thus, the petitioners are necessary and proper parties to the suit. The reasoning assigned by the learned Court below while allowing the application appears to be justified.

12. Even otherwise, any order passed in relation to the mining lease, which is the main subject matter of the suit, would have direct bearing on the rights and interest of the petitioners as any decree passed in the said suit is likely to affect or prejudice the rights of the present petitioners. Thus, the presence of the petitioner is necessary for the proper adjudication of the *lis*.



13. So far as the argument advanced by learned counsel for the petitioner regarding the amendment of the plaint is concerned, since the same does not changes the nature of suit rather it is merely consequential in nature and flows from the mandate of Order 1 Rule 10(4) of the CPC. It is well settled that where a defendant is added to a suit, the plaint shall be amended in such manner as may be necessary. Therefore, such consequential amendment cannot be termed as changing the nature of suit.

14. Furthermore, considering that the application has already been allowed, consequently, the amendment has already been carried out in the year 2024 itself and the present writ petition has been filed in 2026. In such circumstances, no ground for interference is made out.

15. In that view of the matter, this Court is of the considered opinion that the impugned order does not suffer from any jurisdictional error, perversity or legal infirmity so as to call for any interference under Article 227 of the Constitution of India.

16. Accordingly, the present writ petition fails and is hereby dismissed.

17. All other pending application(s), if any, stand disposed of.

(MANEESH SHARMA),J