

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 12354/2022

Omprakash Audichya S/o Late Shri Purshottam Lal Bhatt, Aged
About 72 Years, R/o Choudhary Pada Karoli Tehsil And District
Karoli Rajasthan.

-----Petitioner

Versus

Premprakash Bhatt S/o Late Shri Purshottam Lal Bhatt, Aged
About 56 Years, R/o Choudhary Pada Karoli Tehsil And District
Karoli Rajasthan.

-----Respondent

For Petitioner(s)	:	Mr. Rajesh Kumar Sharma with Mr. Gaurav Sharma Mr. Suresh Kumar Sharma
For Respondent(s)	:	Mr. Hari Krishana Sharma with Mr. Ramavtar Gupta

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

12/02/2026

1. The present writ petition has been filed assailing three orders dated 13.11.2019, 08.01.2021 and 16.07.2022.
2. On 04.12.2025, the petitioner confined his writ petition only on order dated 08.01.2025 and the same was recorded in order sheet dated 04.12.2025. Thus, Court is hearing the petitioner only with regard to the order dated 08.01.2021.
3. Learned counsel for the petitioner submits that the order dated 08.01.2021 is incorrect as while exercising power under Sections 152 and 153 of the Code of Civil Procedure, 1908 only clerical mistakes could be permitted, but the parties which were

not impleaded vide order dated 13.11.2019, were also permitted to be impleaded in the garb of correction.

4. Per contra, learned counsel for the respondent submits that the petitioner has not challenged the order dated 13.11.2019. He further, submits that in the application dated 03.08.2019 in para No. 3, certain names were also stated to be impleaded as party, which were however, inadvertently left to be impleaded as party in the order dated 13.11.2019 and therefore, an application was filed under Sections 152 and 153 CPC.

5. He also drew attention to para No. 6 of the order dated 13.11.2019, whereby the learned Trial Court has not specifically partly allowed the application under Order 1 Rule 10 CPC but had allowed the application in its entirety. However, the names as mentioned in para 2 were only recorded and the names as mentioned in para No. 3 of the application were left out. He, therefore, submits that the learned trial court had rightly passed the order dated 08.01.2021.

6. Heard and perused the material available on record.

7. This Court finds that vide order dated 13.11.2019, the application of the respondent dated 03.08.2019 for impleadement of the parties was allowed. This Court also finds that in the application dated 03.08.2019, two set of parties were sought to be impleaded i.e. one that were mentioned in para 2 of the application and the other one were mentioned in para 3 of the application.

8. This Court also finds that the learned Trial Court in para 6 have not partly allowed the application but had allowed application in its entirety. However, while mentioning the specific names only

the parties mentioned in para 2 of the application were incorporated, which subsequently was corrected by the learned Trial Court vide impugned order dated 08.01.2021, while exercising power under Section 152 and 153 of the CPC.

9. This Court thus is of the opinion that no error so as to call for any interference of this Court under its writ jurisdiction in the impugned order 08.01.2021 is called for. Therefore, the writ petition stands dismissed.

10. Learned counsel for the petitioner has also made an innocuous prayer that he may be permitted to file an application under Order 8 Rule 6A CPC.

11. This Court deems it appropriate to permit the petitioner to file any such application. However, the learned Trial Court shall decide such application in accordance with law.

12. All pending application stands disposed of.

(BIPIN GUPTA),J