

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 14976/2021

Arjun Lal S/o Shri Mansukh Ram, Aged About 59 Years, R/o
Chanwra, Tehsil Udaipurwati, District Jhunjhunu (Rajasthan)

-----Petitioner/Plaintiff

Versus

Assistant Engineer, Public Works Department, Udaipurwati,
District Jhunjhunu (Rajasthan)

-----Respondent/Defendant

For Petitioner(s) : Mr. Nikhil Saini

For Respondent(s) : Mr. Dheeraj Tripathi, AGC

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

13/03/2026

1. The present writ petition has been filed assailing the order dated 29.07.2020, passed by learned Civil Judge, Udaipurwati, District Jhunjhunu, whereby the application filed by the plaintiff-petitioner under Order I Rule 10 CPC for impleading the District Collector, Jhunjhunu as well as other Government Authorities as party to the suit has been dismissed.

2. Learned counsel for the petitioner contends that the suit was filed for injunction claiming that the defendants may be restrained from interfering in any way in the disputed agricultural land of the plaintiff-petitioner.

3. Learned counsel for the petitioner submits that initially the temporary injunction application was rejected. However, in appeal the injunction order was passed against the Assistant

Engineer/Public Works Department, Udaipurwati, who were the party in the suit.

4. Learned counsel for the petitioner further submits that when the reply was filed by the Assistant Engineer/Public Works Department, Udaipurwati, it was brought to the notice of the Court that the road was being constructed by other Authorities of the State Department.

4. He further submits that, therefore, he filed an application for impleading as many as seven other State Instrumentalities to be arrayed as party in the suit. He further submits that merely on account of the fact that against the State Government notice under Section 80 CPC is required to be given, therefore, the impleadment has not been permitted. He further submits that he may be permitted to file an application under Section 80(2) of CPC for permission to file the suit without issuance of the notice as it is very well within the domain of the learned Trial Court to permit a plaintiff to file a suit by granting permission under Section 80(2) CPC.

5. He, therefore, prays that without considering that aspect of the matter, the learned Trial Court has rejected the impleadment application.

6. Per contra, learned counsel for the respondent opposes the writ petition, however, he could not refute the fact that the power is vested with the learned Trial Court under Section 80(2) CPC for permitting a plaintiff to file a suit against the State Instrumentality without issuing a notice in case of urgency.

7. Heard both the parties and perused the material available on record.

8. This Court deems it appropriate that order dated 29.07.2020 is hereby quashed and set aside.

9. The petitioner is at liberty to file an application under Section 80(2) of CPC for waiving of the requirement of notice to the State Instrumentalities.

10. If any such application is filed, then learned Trial Court is expected to decide such an application under Section 80(2) CPC as well as under Order I Rule 10 CPC in accordance with law.

11. With the above observations, the present Civil Writ Petition stands disposed of.

12. Pending application(s), if any, also stand disposed of.

(BIPIN GUPTA),J