

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16977/2024

Kamla Devi D/o Surya W/o Laxman Singh

-----Petitioner

Versus

Ram Singh S/o Sh. Bhambu

-----Respondent

For Petitioner(s)	:	Mr. Jaivardhan Singh Shekhawat
For Respondent(s)	:	Mr. David Mehla
		Mr. Amar Singh Gurjar
		Mr. Ram Ratan Gurjar

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

12/03/2026

1. The present writ petition has been filed assailing the order dated 06.09.2024 passed by the learned Additional District Judge, Sikrai, District Dausa, whereby while allowing the application under Order 1 Rule 10 CPC filed by the applicant-respondent impleaded as plaintiff in place of the original plaintiff.
2. Learned counsel for the petitioner submits that the case of the applicant-respondent is not that the suit property was purchased by them during the pendency of the suit. However, the case of the applicant-respondent is that they were the owner of the disputed property even prior to the filing of the present suit. He, therefore, submits that the applicant-respondent could not have been permitted to be impleaded as plaintiff, as the cause of action, if any, available to the applicant would be different from the cause of action available to the original plaintiff.
3. He, therefore, prays that the learned Trial Court has committed an illegality in passing the order dated 06.09.2024.

4. Per contra, learned counsel for the respondent seeks some time to prepare the matter and satisfy this Court as to whether a person who claims to be the owner of the property even prior to the filing of the suit can get himself impleaded as plaintiff under the provisions of Order XXII Rule 10 CPC or under Order I Rule 10 CPC.

5. Time prayed for by the respondent is granted.

6. However, in the interest of justice, the learned Trial Court is directed not to pass any final judgment in Civil Suit No. 4/2023 pending before the Court of the learned Additional District Judge, Sikrai, till the next date of hearing.

7. List this matter on 25.03.2026.

(BIPIN GUPTA),J