

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 17168/2025

Rajendra Singh Hada S/o Shri Radheyshyam Singh Hada, Aged About 48 Years, R/o Police Line Road, Defense School Ke Samne, Vaishali Nagar, Bundi, Tehsil And Dist. Bundi.

-----Petitioner

Versus

1. Anuja Singh Adopted Daughter Of Late Bhanwar Singh, Minor Through Natural Guardian Mother Kumud W/o Nand Singh R/o Vaishali Nagar, Defense School Ke Samne, Police Line Road, Bundi.
2. Nand Singh Hada S/o Shri Radheyshyam Singh Hada, Aged About 50 Years, R/o Krishna Nagar Jai Bhawani Traders Ke Samne, Dhakkad Light Decoration Waale Ka Makkan Rangbadi Kota Presently Living At Police Line Road, Defense School Ke Samne, Vaishali Nagar, Bundi, Tehsil And Dist. Bundi.
3. Prithviraj Singh Hada S/o Shri Radheyshyam Singh Hada, Aged About 44 Years, R/o Police Line Road, Defense School Ke Samne, Vaishali Nagar, Bundi, Tehsil And Dist. Bundi.
4. Rajesh Hada D/o Radheyshyam Singh Hada W/o Jaikrit Singh, R/o Naari Ka Naka Paani Ki Tanki Ke Pass, Madina Masjid Ke Pass Shashtri Nagar, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Manvendra Singh on behalf of
Mr. Hridayesh Singh

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

12/11/2025

1. The present writ petition has been filed by the petitioner–
Shri Rajendra Singh Hada, under Article 227 of the Constitution of
India, assailing the order dated 16.01.2023 passed by the learned

Additional District and Sessions Judge No.1, Bundi, in Civil Suit No. 14/2020, titled as '*Rajendra Singh vs. Nandsingh and Others*', whereby the learned Court below allowed the application filed by the petitioner/plaintiff under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (CPC), and directed that respondent No.1 – Smt. Anuja Singh, be impleaded as a party to the suit.

2. Brief facts giving rise to the present case are that the petitioner filed a suit for partition and injunction in respect of the property owned by Smt. Basanti Devi w/o Late Shri Radheyshyam Singh Hada. In the said suit, the petitioner averred that Late Shri Radheyshyam Singh Hada and his wife Smt. Basanti Devi were both survived by four sons and one daughter, and that one of their sons, Shri Bhanwar Singh Hada, died issueless.

3. Thereafter the petitioner/plaintiff claimed his $\frac{1}{2}$ share in the suit property on the basis of the *Will* dated 11.07.2019, and during the pendency of the suit, respondent/applicant No.1–Smt. Anuja Singh, filed an application for impleadment on the basis of an adoption deed, claiming that she had been adopted by Late Shri Bhanwar Singh Hada. The learned court below, vide order dated 16.01.2023, allowed the said application on the ground that the validity of the adoption deed cannot be adjudicated at this stage and shall be decided during the course of trial.

4. Learned counsel for the petitioner submits that the learned court below has seriously erred in allowing the application filed under Order 1 Rule 10 of the CPC, on the basis of fraudulent documents. He further submits that the adoption deed allegedly relied upon by the respondents appears to be false and fabricated,

therefore, no cognizance should have been taken of the same and respondent/applicant No.1–Smt. Anuja Singh, could not have been impleaded as a party to the suit.

5. Heard and considered the submissions made by learned counsel for the petitioner and perused the impugned order dated 16.01.2023.

6. From a bare perusal of the impugned order, it is evident that the present suit was filed for partition of the property left behind by Late Smt. Basanti Devi w/o Shri Radheyshyam Singh Hada, who was survived by four sons, and one daughter. In the main suit, the case of the petitioner/plaintiff is that Shri Bhanwar Singh Hada died issueless, whereas the case of respondent/applicant No.1-Smt. Anuja Singh is that she was adopted by Late Shri Bhanwar Singh Hada through an adoption deed and, therefore, is entitled to claim the share of her adoptive father.

7. The learned court below rightly observed that the issue regarding the legality and validity of the adoption deed cannot be adjudicated at this stage and shall be considered during the course of the trial. Accordingly, it was rightly held that respondent/applicant No.1–Smt. Anuja Singh, is a necessary party to the present suit. Her application was, therefore, allowed, and she has been impleaded as respondent/defendant No.4 along with other defendants in the suit.

8. From a bare perusal of the record, it is also evident that after passing of the impugned order dated 16.01.2023, the amended plaint and the amended written statement were filed, and only after which, the present writ petition has been filed with a delay of

almost two years and ten months and no satisfactory explanation has been furnished by the petitioner/plaintiff for such an inordinate delay.

9. In that view of the matter, this Court is of the considered opinion that the impugned order dated 16.01.2023 does not suffer from any jurisdictional error, perversity, or any legal infirmity so as to call for any interference by this Court under the jurisdiction conferred by Article 227 of the Constitution of India.

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

11. The stay application as well as other pending applications, if any, also stand disposed of.

(MANEESH SHARMA),J