

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 18179/2025

Govind S/o Shri Keshavdev Adopted Son Of Shri Girraj Prasad,
Aged About 59 Years, R/o Care Of Govind Cloth Store, Front Of
Kakaji Market, Mori Char Baag, Bharatpur Tehsil And District
Bharatpur (Raj.)

----Petitioner

Versus

1. Rakesh Kumar S/o Late Shri Mangilal, Aged About 57
Years, R/o Mori Char Baag, Front Of Kakaji Market
Bharatpur Tehsil And District Bharatpur (Raj.)
2. Nisha Goyal W/o Shri Umeshchand, R/o Mohalla Gulal
Kund, Mathura Gate Bahar Bharatpur
3. Vinod Kumar S/o Shri Omprakash, R/o Gulal Kund,
Mathura Gate Bahar Bharatpur
4. Nagar Nigam Bharatpur Through Commisioner, Nagar
Nigam Bharatpur

----Respondents

For Petitioner(s)	:	Mr. Saurabh Bhandari
For Respondent(s)	:	

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

23/02/2026

1. The present writ petition has been filed assailing the order dated 31.07.2025 passed by learned Senior Civil Judge No.1, Bharatpur, in Civil Suit No.50/2023, Whereby the application filed by the defendant under Order I Rule 10 CPC to implead Nizul department as a party defendant in the suit on the ground that the suit property belongs to Nizul department has been rejected.

2. Learned counsel for the petitioner submits that since the property in dispute belongs to Nizul Department, therefore, Nizul Department is necessary party.

4. He, therefore, submits that order dated 31.07.2025 is liable to be quashed and set aside and his application under Order 1 Rule 10 CPC may be allowed.

5. Heard and perused the material available on record.

6. It is settled principle of law that the plaintiff is dominus litis and a defendant cannot force the plaintiff to contest the suit against a particular party. It is the sole domain of the plaintiff to decide the opponents against whom he wants to contest the suit.

7. This Court also observes that if the defendant petitioner claims that the suit property belong to Nizul Department, it is open for him to prove his case. However, in such matters, merely at the request of a defendant, a third party cannot be impleaded as defendant against the wish of the plaintiff.

8. Therefore this Court finds no error so as to call for any interference under its writ jurisdiction under Article 227 of the Constitution of India.

9. Accordingly, the writ petition stands dismissed.

10. All pending application(s), if any, stand dismissed.

(BIPIN GUPTA),J