HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 12280/2025
CNR: RJHC020676632025 | URN: CW / 27701U / 2025

Nandkishore Mahajan Son of Kanhaiyalal, Resident of Ghasoli, At Present Ward No.19 Alwar Road Ganj Kishangarh-Bas.

----Petitioner

Versus

1 Vilayti Ram Son Of Charan Das, Resident Of Sakin Kishangarhbas, Alwar.

2 Roopnarayan Son Of Gyarsi Ram, R/o Sakin Ganj, Tehsil Kishangarhbas

3 Sadhu Ram Son Of Gyarsi Ram, R/o Sakin Ganj, Tehsil Kishangarhbas

4 Santu Son Of Roopnarayan, R/o Sakin Ganj, Tehsil Kishangarhbas

5 Suresh Kumar Son Of Sadhu Ram, R/o Sakin Ganj, Tehsil Kishangarhbas

6 Santosh Son Of Namalum, R/o Sakin Sector 16 Kothi No.337, Aatard Faridabad, At Ganj Kishangarhbas

7 Tekchand Son Of Namalum, R/o Sakin Sector 16 Kothi No.337, Aatard Faridabad, At Ganj Kishangarhbas

8 Ramavtar Son Of Namalum, R/o Sakin Sector 16 Kothi No.337, Aatard Faridabad, At Ganj Kishangarhbas

9 Kishan Lal Son Of Namalum, R/o Sakin Sector 16 Kothi No.337, Aatard Faridabad, At Ganj Kishangarhbas

10 Haree Son Of Lala Ram, Resident Of Sakin Kishangarhbas.

11 Moti Ram Son Of Namalum, Operator Telephone Exchange, Kishangarhbas.

----Respondents

For Petitioner(s)	:	Mr. Abhi Goyal Ms. Meenal Bhargava
For Respondent(s)	:	Mr. Abhishek Vashishtha Sharma

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

01/09/2026

1. Writ petition comes up on miscellaneous application (IA No.1/2026) filed by and on behalf of respondent-plaintiff, seeking to vacate the ex-parte stay order dated 06.02.2026, whereby and

whereunder the further proceedings of civil suit have been stayed, however, with the consent of counsel for both parties, writ petition itself has been heard finally on merits.

2. By means of filing instant civil writ petition under Article 227 of the Constitution of India, a challenge has been made to the order dated 30.07.2025 passed in Civil Suit No.34/29/2023 by the Court of Civil Judge & Judicial Magistrate, Kishangarh-Bas (Khairthal Tijara), whereby and whereunder petitioner's application under Order 1 Rule 10 CPC, seeking his impleadment as defendant in the pending suit, has been dismissed.

3. Heard counsel for both parties and perused the record including the impugned order dated 30.07.2025.

4. Petitioner claims himself to be purchaser of one plot out of Khasra No.233 through a registered sale deed. The respondents-plaintiffs are claiming way adjoining to Khasra No.233 as also praying for demolition of the wall alleging the same to be obstructing the way. Learned trial Court dismissed the application of petitioner with finding that petitioner has derived title from defendants Roopnarayan & Sadhu Ram.

5. This Court finds that petitioner is claiming his rights over the plot situated at Khasra No.233 based on a registered sale deed and even if he derives his right, title and interest from defendants, he deserves to be impleaded as party defendant in the civil suit, in the light of the provision of Order 22 Rule 10 CPC, which otherwise would mitigate the litigation.

6. In that view of the matter, counsel appearing for respondent-plaintiff do admits that petitioner shall be impleaded as party

defendant in the present suit, at least in order to mitigate the further litigation.

7. In that view of the matter, impugned order is set aside and respondent-plaintiff is directed to implead the petitioner as party defendant in the present suit and then trial of suit may be proceeded further in accordance with law.

Before parting with, it is clarified that this Court has not observed anything on merits and it shall be open for both the parties to assert their rights during the course of trial.

8. Accordingly, instant civil writ petition stands disposed of.

9. Stay order dated 06.02.2026 stands vacated.

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

11. A copy of this order be sent to the trial Court forthwith.

(SUDESH BANSAL),J

34/RONAK JAIMAN