

(2013) 09 RAJ CK 0018
In the Rajasthan High Court
Case No : Civil Writ Petition No. 11253/2013

Babu Ram and Another

APPELLANT

Vs

Smt. Saja Devi and Others

RESPONDENT

Date of Decision : 03-09-2013

Acts Referred:

Citation : (2014) 2 WLN 4

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Govind Mathur, J.—By this petition for writ a challenge is given to order dt. 13.09.2012 passed by District Judge, Sirohi accepting the application preferred under Order 1, Rule 10 read with Section 151 C.P.C. with a direction to implead Gram Sabha, Anadra as defendant No. 4. It is submitted by learned counsel for the petitioner that in the written statement submitted by petitioner-defendant an issue was framed as to whether any relief could be granted to the plaintiff in the absence of Gram Sabha, Anadra, therefore, its inclusion in the array of defendants shall frustrate adjudication of the issue concern. It is further submitted that no relief is claimed by the plaintiff against Gram Sabha, Anadra, therefore, that could not have been impleaded as party-respondent.

2. I do not find any merit in the argument advanced.

3. It is not in dispute that the land in-question is in the name of Gram Sabha, Anadra and an objection was raised by the petitioner himself about non-joinder of necessary party. The trial Court looking to this fact accepted the application preferred by the plaintiff as per Order 1 Rule 10 C.P.C. So far as the other argument is concerned, suffice to mention here that the plaintiff has sought a decree for setting aside the sale-deed, as such, that will cover all the subsequent transfers made of the land in-question affected.

4. Having considered all aspects of the matter, I do not find any material illegality

with the order impugned that may warrant interference of this Court while exercising powers under Art. 227 of the Constitution of India. The writ petition, therefore, is dismissed.