
(1994) 03 RAJ CK 0089

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 128 of 1992

Jawari Mal

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 30-03-1994

Acts Referred:

Citation : (1994) 1 WLN 685

Hon'ble Judges : B.R. Arora, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.R. Arora, J.—This miscellaneous petition is directed against the order dated 7-5-92, passed by the Sub-Divisional Magistrate, Deedwana (District Nagaur), by which the learned Sub- Divisional Magistrate dismissed the application filed by the petitioner and refused to allow him to be impleaded as a party. The order has been challenged by the petitioner on the ground that the application of the petitioner was dismissed only on the ground that in the election dated 24-5-89, one Abdul Majid has been elected as the Chairman and, therefore, the petitioner is not a necessary party.

2. The contention of the learned Counsel for the petitioner is that the petitioner challenged this order/election dated 24-6- 89 by way of filing a writ petition and the same is pending before this Court and the matter has not been decided so far and till the matter is decided, he is a necessary party. It is further contended that Abdul Majid and Uma Shanker have been made the parties to the writ petition and, therefore, the petitioner should be allowed to as the party. The learned Counsel for the respondents, on the other hand, has supported the order passed by the Court below and submitted that no stay order has been passed in favour of the petitioner and as the new election of the society were held on 24-6-89, in which Abdul Majid was elected as the President, the petitioner has, therefore, no right in the proceedings and, therefore, his application was rightly rejected by the learned trial Court.

3. I have considered the submissions made by the learned Counsel for the parties.

4. Admittedly, prior to the election of the Society, held on 24-6-89, the petitioner was the President of the Society and in the election held on 24-6-89, Abdul Majid has been elected as the President. The proceedings regarding election of Abdul Majid as the President of the Society have been challenged by the petitioner by way of filing a writ petition bearing S.B. Civil Writ Petition No. 3942 of 1988 (Sarv Vikas Mandal Shikshan Sansthan v. the State of Rajasthan and Ors.). Though the writ petition was admitted by this Court but no stay order was passed in favour of the petitioner and, therefore, the Members or the office-bearers, elected on 24-6-89, continued as the Members and Chairman of the Society. The learned Magistrate has considered all the facts and circumstances of the case in the right perspective and rightly rejected the application filed by the petitioner for impleading him as a party. The petitioner is not a necessary party to the proceedings and it is only the Society which is the necessary party, which has already been impleaded as a party and the office-bearers, who were elected on 24-6-89, have been allowed to be impleaded as the parties.

5. In the result, I do not find any merit in this revision petition and the same is hereby dismissed.