
(2015) 04 RAJ CK 0208
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3255 of 2015

Kalwant Singh and Others	Vs	APPELLANT
State of Rajasthan and Others		RESPONDENT

Date of Decision : 06-04-2015

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10

Citation : (2015) 2 CDR 927

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Hemant Jain, for the Appellant; Trilok Joshi, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Arun Bhansali, J.

1. This writ petition is directed against the order dated 24.2.2015 passed by the trial court, whereby the application filed by respondent - Paramjeet Singh under Order 1, Rule 10 CPC has been allowed by the trial court. The petitioner filed a suit for permanent injunction against the State of Rajasthan and its authorities under the Irrigation Department seeking injunction against closing of certain Naka existing in his field.
2. The respondent - Paramjeet Singh filed an application under Order 1, Rule 10 CPC inter-alia with the averments that the plaintiffs have illegally opened certain Nakas, which have been closed by the Irrigation Department and the present suit filed by the petitioners seeking injunction against the Irrigation Department, which injunction if granted, the applicant would be hurt and therefore, he is necessary party to the proceedings.
3. The application was opposed by the petitioners inter-alia indicating that the applicant was not a necessary party and the application be dismissed.

4. The trial court after hearing the parties granted application filed by the applicant and directed to implead as party.
5. Learned counsel for the petitioners submitted that the applicant was not a necessary party to the suit as no relief has been sought against him and therefore, the trial court was not justified in accepting the application.
6. Learned counsel for the respondents pointed out that in the written statement filed by the State, specific averments pertaining to the steps taken by the respondent-applicant have been indicated and it is only at the instance of the respondent that the illegal Naka being operated by the petitioners has been closed by the State and therefore, it cannot be said that the respondent is not a necessary party to the suit.
7. I have considered the submissions made by learned counsel for the parties and perused the material placed on record.
8. From the written statement filed by the State, it is apparent that the entire action is being taken against the petitioners on account of plea made by the respondent Paramjeet Singh and on account of the Nakas being operated by the petitioner, the said Paramjeet Singh is directly effected. In case, on account of absence of the respondent, the injunction is granted in the suit against the State Authorities, it would be the respondent alone, who would be effected by it and therefore, it cannot be said that the respondent is a busy body and has no interest in the subject matter of the suit. Consequently, the order passed by the trial court cannot be faulted. There is no substance in the writ petition and the same is, therefore, dismissed.