
(1987) 11 RAJ CK 0024

In the Rajasthan High Court

Case No : Civil Revision Petition No. 61 of 1987

Mauji Ram

APPELLANT

Vs

Lallu Lal and Others

RESPONDENT

Date of Decision : 19-11-1987

Acts Referred:

Citation : (1988) 1 WLN 16

Hon'ble Judges : S.C. Agrawal, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.C. Agrawal, J.—This revision is directed against the order dated 9-1-1987 passed by the Munsif & Judicial Magistrate, Sawai Madhopur. By the order aforesaid the Munsif has rejected the application submitted by the petitioner maujiram for being impleaded as a party in Suit No. 243/86 filed by Lallu Lal Non-petitioner No. 1. In the said suit the plaintiff-non- petitioner (1) has prayed for a payment injunction and declaration in relation to the election for the Managing Committee of Gram Sewa Sahkari Samiti Gogore, District Sawai Madhopur. It appears that during the pendency of the suit, the election for the Managing Committee of the said Samiti was conducted on 30-10-1986, and the trial Court on an application for temporary injunction has passed an order staying the final declaration of the result of the said election. The case of petitioner is that he is one of the con testing candidates for the Managing Committee of the aforesaid Samiti, and the non-petitioners Nos. 4 to 9 are also contesting candidates for the Managing Committee of the said Samiti. By order dated 22-12-1986 the trial court has permitted non-petitioners 4 to 9 to be impleaded as defendants in the said suit. Thereafter, the petitioner on 7-1-1987 moved an application for being impleaded as a defendant in the said suit. The said application of the Petitioner has, however, been rejected by the Munsif by this order dated 9-1-1987. Hence this revision.

2. Notice was issued to non-petitioner (1) by this court requiring him to show

cause as to why the revision petition be not admitted. Non-petitioners 4 to 9 have also appeared. Learned counsel for non-petitioner (1) and non-petitioners (4 to 9) as well as learned counsel for the petitioner have prayed that the revision petition be heard and disposed of at the admission stage. It appears that non-petitioners 2 & 3 are proforma parties to the revision and they will not in any way be prejudicially effected by any order passed by this court in this revision. It is, therefore, prayed that service of notice on the non-petitioners 2 & 3 be dispensed with and this revision be heard and disposed of at the admission stage. In view of the prayer of the learned counsel for the petitioner and non-petitioner 1 and 4 to 9, issuance of notice to non-petitioners 2 & 3 has been dispensed with and the revision petition has been heard for final disposal.

3. The contention of the learned counsel for the petitioner is that the case of the petitioner is in no way different from that of non-petitioners 4 to 9, and since non-petitioners 4 to 9 have been impleaded as defendants in the suit by order dated 22-12-1986, there is no reason why the petitioner may also not be impleaded as a party to the suit. Mr. Goyal learned counsel for the plaintiff and Mr. Shahid Hasan learned counsel for non-petitioners 4 to 9 have stated that they have no objection to the petitioner being impleaded as a party to the suit.

4. In view of the fact that the petitioner as well as non-petitioners 4 to 9 are all contesting candidates for election to the Managing Committee of Gram Sewa Sahkari Samiti Gogore, the petitioner as well as non-petitioners 4 to 9 stand on the same footing. Since by order dated 22-12-1986 non-petitioners 4 to 9 have been impleaded as parties to the suit, there appears to be no reason why the petitioner was not allowed to be impleaded as a party to the suit. The Munsif in rejecting the application of the petitioner for being impleaded as a party to the suit has, therefore, acted with material irregularity in the exercise of his jurisdiction.

5. The revision petition is, therefore, allowed. The order dated 9-1-1987 passed by the Munsif rejecting the application of the petitioner dated 7-1-1987 for being impleaded as a party to the suit is set aside, and the said application of the petitioner dated 7-1-1987 is allowed, and the petitioner is impleaded as a defendant in Suit No. 243/86 Lallulal v. Election Officer & Ors. pending in the court of Munsif & Judicial Magistrate, Sawai Madhopur. No order as to costs.