
(1989) 01 RAJ CK 0020

In the Rajasthan High Court

Case No : Civil Revision Petition No. 18 of 1986

Quazi Mohammed Saddiquee

APPELLANT

Vs

Wahid Hussain and Others

RESPONDENT

Date of Decision : 18-01-1989

Acts Referred:

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

Citation : (1989) WLN 38

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

Bench : Single Bench

Final Decision : Allowed

Judgement

J.S. Verma, C.J.—This is a revision against the trial court's order dated 18-10-1985 rejecting the petitioner's application made under Order 1, Rule 10, CPC for being impleaded as a party in the suit filed by respondent No. 1. Wahid Hussain in which the other respondents are defendants. The suit was filed in 1966. The petitioner claimed an interest in the subject matter of the suit on the ground that he was Mutwali and Sajjada-nashin of the Dargah duly appointed under a Will executed by late Peer Nazar Hussain husband of defendant-respondent No. 2 Habiban. It is not necessary to mention other facts relating to the claim of the petitioner.

2. The trial court has rejected the application mainly on the ground that the suit is pending since 1966. No doubt, pendency of the suit for such a long time is a matter of serious concern but that is no reason for rejecting an application for being impleaded as a party if the petitioner claims to be even a proper party to the suit. It cannot be said that the claim on the basis of which the petitioner wants to be impleaded does not make him even proper party if not necessary party to the suit. It is also significant that the plaintiff respondent No. 1 has not chosen to oppose this revision inspire of notice. It is primarily a matter concerning the plaintiff who has obviously not chosen to oppose this revision. There is no reason why the petitioner should not be impleaded in such a situation

to ensure an effective adjudication of the points in controversy in the suit.

3. Consequently, the revision is allowed. The petitioner's application under Order 1, Rule 10, CPC is allowed and he is directed to be impleaded as a defendant in the suit. The trial court shall proceed to dispose of the suit in accordance with law. The parties shall appear in the trial court on 13-8-1989. In case plaintiff respondent does not appear on that date for want of information since no one appears for him at the bearing, the trial court shall issue notice to the plaintiff for appearance.