

**BOARD OF REVENUE FOR RAJASTHAN, AJMER**

**Revision/TA/2002/3743/Nagore**

1. Ramlal son of Shriram by caste Gurjar resident of Riya Shyamdas Tehsil Merta District Nagore

...Petitioner

**Versus**

1. Manglaram son of Lalaram by caste Nayak (deceased) through his following legal representatives :-

1/1.Lumbaram son of Manglaram by caste Nayak resident of Riya Shyamdas Tehsil Merta District Nagore

1/2. Harji son of Manglaram by caste Nayal resident of Riya Shyamdas Tehsil Merta District Nagore

2. Vidhyadhar son of Mohanlal by caste Brahmin resident of Riya Shyamdas Tehsil Merta District Nagore

3. Jaynarayan son of Jawaharlal by caste Brahmin resident of Riya Shyamdas Tehsil Merta District Nagore

...Non-petitioners

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**S.B.**

**Shri Ravi Dangi, Member**

**Present:-**

1. Shri G.S.Lakhawat, Counsel for the petitioner
2. Shri K.K.Purohit, Counsel for the non-petitioners.

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**ORDER**

**Dated 12.3.2020**

This revision under Section 230 of the Rajasthan Tenancy Act, 1955 (in short the Act) has been filed against the order dated 27.4.2002 passed by the Sub Divisional Officer Merta.

2. The learned Sub Divisional Officer, Merta rejected the application under Order 1 Rule 10 of C.P.C. of petitioner Ramlal to be impleaded as a defendant in the suit no.78/89.

3. Heard the learned counsels.

4. Learned counsel for Ramlal (Revisionist/petitioner) submits that one suit no.78/89 under Section 88, 188 of the Rajasthan Tenancy Act was filed

by Manglaram (original plaintiff) against Vidhyadhar (Defendant no.1/Non-petitioner no.2) & Jainarayan (Defendant no.2/Non-petitioner no.3). Out of the Aaraji no.946 admeasuring 72 Bigha 5 Biswa, Manglaram sought declaration pertaining to 18 Bigha of land situated in south west of the aaraji. In the said suit an averment is made that Jaynarayan has 36 Bigha and 10 Biswa of land in the north of the Aaraji no.946. Ex-party orders has been passed against Jaynarayan.

That Jaynarayan has sold the land to the petitioner Ramlal on 15.4.1991 through registered document & the name of the petitioner has been entered into the revenue record as khatedar. Apart from it one another suit pertaining to 18 bigha of land has been filed by the petitioner. Thus, being a necessary party, petitioner Ramlal be impleaded as a defendant in the suit. With this factual matrix the impugned order dated 27.4.2002 needs to be rejected & prayed that the petitioner Ramlal be impleaded as defendant under Order 1 rule 10 in the suit.

5. **Per contra**, the learned counsel for the non-petitioner contended that the impugned order is just, proper, reasoned and as per the law and the petitioner/revisionist has not given any valid reason to interfere in the order. The learned trial court has rightly rejected the application of the petitioner as there was no valid reason to implead him as a defendant. Petitioner's averments in the petition are not supported by any documents. Only vague averments are made by the petitioner. Neither the sale deed dated 5.4.1991 has been filed by the petitioner, nor the revenue record.

That Aaraji no.946 was of 72 bigha & 5 biswa, which was in the name of Vidhyadhar as per 'jamabandi' of Samvat 2039-42 by mutation no.632, 36 Bigha and 10 Biswa land stood segregated which came in the name of Jainarayan. Thus, rest of the land of the said aaraji stands in the name of Vidhyadhar as per jamabandi of Samvat 2044-47

6. Gave thoughtful consideration to the arguments of the learned counsel & perused the impugned order & the record.

7. The question of impleadment of party is to be decided on the touchstone of O.1 Rule 10 C.P.C., which provide that only a necessary or a proper party may be added.

8. Firstly, in the suit no.78/89 Jainarayan has been included as Defendant no.2 although no relief has been claimed against him. Secondly, Manglaram (Original Plaintiff) claimed relief only against Vidhyadhar pertaining to 18 bighas of land which lies South West of the total land of 72 Bigha 5 Biswa (Khasra No.946). Inter alia Manglaram also pleaded that Jainarayan has 36 Bigha 10 Biswa (Out of 72 bigha 5 biswa) of land, which is situated in the Northern side of aaraji no.946.

Neither the alleged registered sale deed dated 15.4.1991 by which petitioner bought the land from Jainarayan is on record, nor the following Revenue record entry. No document pertaining to cultivatory possession of the petitioner is on record.

9. Thus, no fault is found with order of the trial court, as the order is a speaking order with reasons and as per the law. From the above, it is concluded that the petitioner Ramlal is not a necessary or proper party to be impleaded as a defendant in the suit. Trial court's order dated 27-4-2002 on application under Order 1 rule 10 of C.P.C. being proper requires no interference by this court.

10. Hence, this revision in hand is rejected.

Pronounced in the open court.

(Ravi Dangi)  
Member