



2026:AHC:197528

HIGH COURT OF JUDICATURE AT ALLAHABAD

S.C.C. REVISION No. - 57 of 2026

Lalit Chaturvedi

.....Revisionist(s)

Versus

Santoshi Lal Chaturvedi Adopted and 4 others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Rama Goel Bansal, Shalini Goel
Counsel for Opposite Party(s)	:	

AFR

Court No. - 35

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Ms Rama Goel Bansal, learned counsel appearing for the revisionist and perused the record.

2. The present revision under Section 25 of the Provincial Small Cause Courts Act, 1887, calls in question the order dated 02.05.2026 passed by the learned Judge, Small Causes Court in J.S.C.C. Suit No.3 of 2016, whereby Application No. 59-C, filed by the applicant under Order I Rule 10 of the Code of Civil Procedure, 1908, has been rejected.

3. The facts of the case, in brief, as reflected from the material placed on record, are set out hereinbelow.

4. The aforesaid suit has been instituted by Santosh Lal against Sumit Chaturvedi on the basis of an asserted relationship of landlord and tenant in respect of the property in dispute. The defendant, in his written statement, has disputed the plaintiff's status as landlord and has, in substance, asserted that the property belongs to Thakur Mahadev Ji

Hanuman Ji. The applicant was not impleaded as a party to the suit. He subsequently moved Application No. 59-C under Order I Rule 10 CPC, seeking his impleadment on the ground that he is the present Shebait/Mohatmim of the aforesaid deities and, in such representative capacity, is entitled to represent their interest in the property in dispute.

5. The applicant does not claim the property in his personal or individual capacity. His case, as subsequently clarified, is that the property belongs to the deity and that he claims only in a representative capacity as the person presently entrusted with the management and affairs of the deity and its property. In support of the status asserted by him, reliance has been placed, *inter alia*, upon the Shebaitnama/Supurdginama dated 30.11.2015, certain rent receipts and the judgment and decree passed in Original Suit No. 110 of 1985. According to the applicant, these documents evidence the existence of the religious endowment, the connection asserted between the property and the deity, and the basis of his claimed representative capacity and, therefore, demonstrate the necessity of his presence for the complete and effective adjudication of the pending suit.

6. The learned Trial Court, however, rejected the application. It was of the view that impleadment of the applicant would bring into consideration questions relating to the ownership and character of the property and, more particularly, the applicant's authority to represent the deity, whereas the jurisdiction of the Court of Small Causes is confined to matters falling within its limited statutory jurisdiction. The learned Trial Court further concluded that the applicant was neither a necessary nor a proper party to the dispute pending between the plaintiff and the defendant.

7. Learned counsel for the applicant submits that the learned Trial Court has proceeded on an erroneous understanding of the nature of the claim set up by the applicant. It is contended that the applicant does not assert any personal or proprietary title in the suit property and that the entire basis of the application is the assertion that the property belongs to

the deity and that the applicant is its present Shebait/Mohatmin and, consequently, the person competent to represent it. It is urged that a Hindu deity is a juristic person capable of holding property and that where property belonging to a deity forms the subject matter of litigation, the person lawfully representing the deity cannot be excluded merely because the proceedings are pending before a Court of limited jurisdiction.

8. Learned counsel further submits that the Shebaitnama/Supurdginama dated 30.11.2015, the rent receipts and the judgment and decree passed in Original Suit No. 110 of 1985 constitute sufficient material, at least for the limited purpose of considering an application under Order I Rule 10 CPC, to establish the applicant's connection with the deity and its property. It is urged that, while considering impleadment, the Court is not required to finally determine either the title of the deity or the ultimate rights of the applicant. The enquiry, according to learned counsel, is confined to the question whether the presence of the applicant would assist the Court in effectually and completely adjudicating upon the controversy involved in the suit.

9. Reliance has also been placed upon the clarification contained in the supplementary affidavit that the applicant claims no personal or proprietary interest in the suit property and asserts rights only in a representative capacity on behalf of the deity. It is submitted that the application has, therefore, been erroneously understood as one founded upon an independent claim of ownership, whereas the real controversy concerns property asserted to belong to the deity and the right of its representative to participate in proceedings relating thereto.

10. It has further been submitted that the applicant's status as Shebait/Mohatmin is not in dispute. In support of the said submission, learned counsel has referred to the relevant revenue records, wherein the applicant's connection with and representative capacity in respect of the deity is stated to be reflected. Reliance has also been placed upon the written statement of the defendant, particularly the averment that the

defendant is a tenant under the deity. According to learned counsel, the said assertion assumes significance, inasmuch as the defendant himself traces the tenancy to the deity and does not dispute the deity as the landlord.

11. Learned counsel has also placed reliance upon the proceedings in Original Suit No. 1074 of 2017, brought on record by way of a supplementary affidavit. It is submitted that the said suit, instituted between Abhishek Chaturvedi as Shebait, and Lalit Chaturvedi, was ultimately disposed of in terms of a compromise entered into between them. According to learned counsel, the said proceedings and the compromise decree, read together with the Supurdginama dated 30.11.2015 and the other documents relied upon by the applicant, demonstrate the continuity of management and representative authority concerning the deity and support the applicant's assertion that he is the present Shebait/Mohatmin. It is submitted that the subsequent material has been placed on record only to clarify and substantiate the chain of authority relied upon by the applicant and ought to be taken into consideration while examining the prayer for impleadment.

12. Learned counsel has, therefore, submitted that the material placed on record, including the Shebaitnama/Supurdginama, rent receipts, revenue records, the judgment and decree in Original Suit No. 110 of 1985 and, as subsequently brought on record, the proceedings and compromise decree in Original Suit No. 1074 of 2017, establishes a sufficient nexus between the applicant, the deity and the property in dispute. It is urged that the applicant does not seek impleadment on the basis of any independent or rival claim to ownership, but only in his capacity as the person representing the deity, whose property is asserted to be the subject matter of the tenancy and the present proceedings.

13. Learned counsel has accordingly submitted that once the property is asserted to belong to the deity, the applicant's representative capacity as Shebait/Mohatmin is supported by the material brought on record and the defendant himself claims to be a tenant under the deity, the presence of the applicant becomes necessary for the effective and complete

adjudication of the controversy. It is urged that the application under Order I Rule 10 CPC ought to have been examined from the standpoint of the applicant's representative capacity and not as an application founded upon a claim of personal ownership over the suit property.

14. The submissions advanced on behalf of the applicant give rise to certain questions which require determination before the prayer for impleadment can be considered. The issue is not merely whether the applicant has produced material indicating his association with the deity or the property in dispute. The questions that arise concern, principally, the scope and application of Order I Rule 10 CPC in a proceeding before a Court of Small Causes; the extent to which the said provision can operate within the limited statutory jurisdiction of such Court; and whether a person claiming to represent a deity can be impleaded without the Court being required to undertake an adjudication of substantive questions concerning his representative authority, where such questions do not form part of the controversy otherwise requiring determination in the pending suit.

15. The following questions arise for consideration and are answered in the subsequent part of this judgment:

(i) Whether the power conferred by Order I Rule 10 CPC, though intended to facilitate the effective and complete adjudication of the controversy before the Court, can be exercised so as to introduce or require determination of a substantive controversy which lies beyond the jurisdiction conferred upon the Court by the governing statute, or whether the exercise of such procedural power is necessarily subject to the limits of that jurisdiction;

(ii) What is the test for determining whether a person is a necessary or proper party to a suit, and whether an asserted interest in the subject-matter of the suit, by itself, is sufficient to warrant impleadment where the controversy already before the Court can be effectively and completely adjudicated in the absence of such person;

(iii) What is the extent to which a Court of Small Causes may notice or incidentally consider a question relating to title or other matters outside its ordinary field of adjudication for the purpose of deciding the dispute within its limited jurisdiction, and whether Order I Rule 10 CPC can be invoked in a manner which requires such Court to undertake a substantive adjudication of title, dedication, vesting, succession or representative authority, when such adjudication is not necessary for determination of the landlord-tenant controversy;

(iv) Whether the juristic personality of a deity and the assertion that the property in dispute belongs to the deity are, by themselves, sufficient to establish the authority of an individual seeking impleadment to represent the deity, or whether the entitlement of such individual to act as Shebait, Mohatmin or other representative is a distinct legal question requiring independent determination;

(v) Where a person claiming representative capacity relies upon documents such as a Shebaitnama or Supurdginama, rent receipts, revenue records or judgments and decrees of civil courts, whether such material can be treated as sufficient, for the limited purpose of impleadment, without requiring the Small Cause Court to determine antecedent questions relating to the source, continuity, succession or validity of the authority under which such person claims to represent the deity; and

(vi) Whether, having regard to the nature of the relief sought in the pending suit and the controversy within the jurisdiction of the Small Cause Court, the presence of the person seeking impleadment is indispensable for the passing of an effective decree or materially necessary for the complete adjudication of the controversy, and whether rejection of such application, in the absence of such necessity, operates to prejudice or determine any substantive right of the claimant or of the deity.

16. The aforesaid questions are interrelated, yet distinct, and are best considered in a sequential manner. The Court shall first examine the scope and object of Order I Rule 10 CPC and the principles governing the distinction between a necessary and a proper party. It shall then consider the extent to which that procedural provision operates within the limited statutory jurisdiction of a Court of Small Causes and the extent, if any, to which questions falling outside that jurisdiction may be noticed incidentally. The principles so determined shall thereafter be applied to the representative status asserted by the applicant and to the documents relied upon in support thereof, so as to determine whether his presence is necessary or proper for adjudication of the controversy in the pending suit. The matter shall accordingly be considered in the aforesaid sequence.

17. Order I Rule 10 CPC is essentially a procedural and facilitative provision. It enables the Court, at any stage of the proceedings, to strike out a party improperly joined or to add a person who ought to have been joined, or whose presence before the Court may be necessary, in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit. The object of the provision is to secure effective adjudication of the controversy before the Court, to avoid multiplicity of proceedings where the requirements of the rule are otherwise satisfied, and to ensure that the decree ultimately passed is effective in relation to the questions which the Court is competent to determine.

18. The provision does not, however, confer upon every person asserting an interest in the subject-matter of the suit a substantive right to insist upon his impleadment. The expressions “necessary party” and “proper party” have a definite legal content. A person does not become a necessary or proper party merely because he asserts an interest in the property which is the subject-matter of the suit. The Court is required to examine the nature of the controversy, the relief claimed, the questions which arise for determination and whether the presence of the proposed

party is indispensable or otherwise materially necessary for the effective and complete adjudication of those questions.

19. A necessary party is one without whom no effective decree can be passed. A proper party, though not indispensable in that strict sense, is one whose presence enables the Court to effectually and completely adjudicate upon and settle the questions already involved in the suit. The distinction is significant. The power under Order I Rule 10 CPC is directed towards the effective adjudication of the controversy which is before the Court. It is not intended to provide a procedural route by which a person may introduce an independent substantive controversy merely because that controversy relates to the same property.

20. The Supreme Court in **Kasturi v. Iyyamperumal**¹, while examining the principles governing necessary and proper parties, emphasised that the question has to be determined with reference to the controversy involved in the suit and the relief claimed therein. In **Mumbai International Airport Pvt. Ltd. v. Regency Convention Centre & Hotels Pvt. Ltd.**², the Supreme Court reiterated that the power under Order I Rule 10 CPC is discretionary and is to be exercised to secure complete and effective adjudication of the questions involved in the suit. The principle was reiterated in **Kanaklata Das v. Naba Kumar Das**³, wherein the Supreme Court made it clear that a person cannot claim impleadment merely by asserting an interest in the subject-matter unless his presence satisfies the statutory test of a necessary or proper party.

21. The principle assumes particular significance where the proceeding is pending before a Court of limited jurisdiction. Order I Rule 10 CPC is a procedural provision; it is not a source of jurisdiction. It neither confers substantive jurisdiction upon a Court nor enlarges the jurisdiction otherwise vested in it by statute. Consequently, the power to add a party must necessarily operate within the substantive and statutory limits of the jurisdiction of the forum. If the impleadment of a proposed party would necessarily require the Court to adjudicate a substantive controversy which the Court itself is not competent to determine, Order I

1 (2005) 6 SCC 733

2 (2010) 7 SCC 417

3 (2018) 2 SCC 352

Rule 10 CPC cannot be invoked as a means of conferring such jurisdiction indirectly.

22. The proposition becomes particularly relevant in proceedings before a Court of Small Causes. The jurisdiction of such Court is defined and limited by the Provincial Small Cause Courts Act, 1887 and the statutory scheme governing the matters cognisable by it. The Court does not possess the general jurisdiction of a Civil Court over every civil dispute merely because a question arising in the suit may incidentally touch upon title to the property. The nature and extent of the enquiry which the Court may undertake must, therefore, be determined with reference to the controversy falling within its statutory jurisdiction.

23. At the same time, it would be incorrect to state, in absolute terms, that a Court of Small Causes is precluded from noticing or considering every question which may incidentally touch upon title. A question of title may arise incidentally in a proceeding otherwise cognisable by such Court and may, to the extent necessary, be considered for the purpose of deciding the dispute within its jurisdiction. What the Court cannot do is convert such incidental consideration into a substantive and conclusive adjudication of complicated questions of title, dedication, vesting, succession or representative authority where those questions do not themselves fall for determination within the jurisdiction of the Court.

24. Section 23 of the Provincial Small Cause Courts Act, 1887 is also relevant in this context. It contemplates a situation where the relief claimed in a suit cognisable by the Court of Small Causes substantially depends upon a question of title or upon another question of a nature which the Small Cause Court ought not finally determine. The provision thus reflects the legislative scheme that the limited jurisdiction of the Small Cause Court is not to be transformed into the general jurisdiction of a civil court merely because an issue touching title arises in the course of the proceedings. Its significance, therefore, is not that it creates an independent prohibition against impleadment, but that it reinforces the statutory boundaries within which the Court is required to exercise its jurisdiction.

25. Order I Rule 10 CPC must consequently be applied in the present case within the jurisdictional framework of the Provincial Small Cause Courts Act. The relevant enquiry is not merely whether the applicant can demonstrate some connection between himself, the deity and the property. The question is whether his presence is necessary or proper for determination of the landlord-tenant controversy which is already before the Court and whether he can be impleaded without requiring the Small Cause Court to adjudicate a separate and substantive controversy concerning his authority to represent the deity.

26. The principle has also been recognised in the recent decision of this Court in **Murti Markandeshwar Ji Maharaj Gopal Ki Bagiya City Jhansi v. Smt. Jyoti Gangwani and Another**⁴. The decision proceeds on the principle that where a statutory forum is constituted to determine a defined category of disputes arising from the landlord-tenant relationship, its jurisdiction cannot be enlarged, through an application for impleadment, so as to enable adjudication of an independent substantive controversy concerning ownership or title which the statutory scheme does not entrust to it. The mere assertion by a proposed party of an interest in the property does not, by itself, make such party necessary or proper for the adjudication of the dispute within the jurisdiction of the statutory forum.

27. The principle is of general application to the exercise of power under Order I Rule 10 CPC. Impleadment is intended to bring before the Court persons whose presence is necessary or proper for determining the controversy which the Court is otherwise competent to adjudicate. It cannot be employed to enlarge the subject-matter jurisdiction of the forum. Nor can a proposed party, by asserting an independent substantive right in the property or a representative capacity founded upon disputed questions of law and fact, compel the Court to undertake an adjudication which lies outside the statutory limits of its jurisdiction. The procedural power to add parties follows the jurisdiction of the Court; it does not precede or enlarge it.

4 2026 SCC Online All 22417

28. The decision in **Manish Bansal v. Jagdish Prasad Mittal and 7 Others**⁵, is also instructive in the context of proceedings before the Court of Small Causes. The principle emerging from the decision is that a mere assertion of interest in the subject-matter, including an assertion founded upon an independent claim concerning the property, does not by itself make the claimant a necessary or proper party. The decisive consideration remains whether the controversy already before the Small Cause Court can be effectively and completely adjudicated in his absence and whether his presence is required for the effective decree which that Court is competent to pass.

29. The aforesaid principles, when applied to the present case, require a distinction between the alleged interest of the deity in the property and the authority of the applicant to represent the deity. The two questions cannot be conflated. Whether the property belongs to the deity and whether the applicant is legally entitled to represent the deity are distinct questions. Material which may raise a *prima facie* claim concerning the former cannot, without more, establish the latter.

30. The juristic status of a Hindu deity is well recognised. But recognition of the deity as a juristic person capable of holding property does not automatically identify every person who claims to act on its behalf as its lawful representative. The existence of the juristic person and the legal authority of a particular individual to represent that juristic person are conceptually and legally distinct. For the purpose of Order I Rule 10 CPC, therefore, it is not sufficient for the applicant merely to assert that the property belongs to the deity. He must, for purposes of the application, demonstrate a representative capacity upon which the Court can act without requiring it to determine an independent and disputed substantive controversy.

31. The difficulty in the applicant's case is not merely that his representative status is denied by the plaintiff. The material placed on record itself does not furnish an undisputed or self-evident source of the authority claimed by the applicant. The applicant traces his status through persons stated to have managed or represented the endowment,

5 2026 SCC Online All 25952

whereas the material relating to Original Suit No. 110 of 1985 describes Navneet Lal Chaturvedi as President of the Bhainseshwar Vyayam Mandal Devatra Sampatti Prabandh Mandal, Maholi. The suit proceedings also refer to Rajendra Nath Chaturvedi in that representative capacity. On the other hand, the Shebaitnama dated 30.11.2015 proceeds upon a description of Navneet Lal Chaturvedi in a different capacity from that reflected in earlier proceedings.

32. These circumstances are not being noticed for the purpose of deciding, in the present proceedings, whether Navneet Lal Chaturvedi, Rajendra Nath Chaturvedi or any other person was in law entitled to manage or represent the endowment. Their relevance is confined to demonstrating that the source of the applicant's asserted representative authority is neither admitted nor self-proving. The applicant traces his status through a chain of authority which itself requires explanation and legal validation. The question whether the person from whom the applicant claims to derive his representative status possessed the requisite authority, and whether that authority could validly devolve upon or be transmitted to the applicant through the asserted chain, is a substantive question requiring adjudication.

33. That enquiry cannot be avoided merely by describing the applicant as a Shebait. The description is the conclusion which the applicant asks the Court to accept; it is not, by itself, the legal source from which the representative authority flows. Where the very source, continuity or succession of the office is disputed or requires examination, the Court cannot treat the asserted representative capacity as an established fact merely for the purpose of bringing the applicant on record and thereafter permit the impleadment to become the vehicle for adjudicating that very status.

34. The Shebaitnama dated 30.11.2015 has also to be considered in this context. The document is materially different from a document of conveyance. On the applicant's own case, it does not transfer ownership of the property to him. It records or evidences an asserted arrangement concerning management, *seva-puja*, administration and matters

connected with the property claimed to belong to the deity. Its execution may, therefore, be relied upon as evidence of an asserted arrangement for management or service, but it cannot, by its own force, establish either the title of the deity or the applicant's succession to the office of Shebait.

35. The legal efficacy of the document for the purpose asserted by the applicant necessarily depends upon questions anterior to and independent of the document itself. Those questions may include the existence and nature of the dedication, the vesting of the property, the legal source of the office of Shebait, the authority of the person who executed or originated the arrangement, and the manner in which the applicant is said to have acquired or succeeded to the asserted representative status. The document may constitute evidence relevant to those questions in an appropriate proceeding, but its existence cannot itself dispense with their adjudication.

36. The rent receipts likewise do not materially alter the position. At the highest, they may constitute material relied upon to demonstrate an assertion of management or receipt of rent on behalf of the deity. They may be relevant evidence of the manner in which the property was being dealt with or rent was being collected. They do not, however, without adjudication of the underlying legal relationship, establish the applicant's status as Shebait or his authority to represent the deity in the pending proceedings.

37. Nor can the decree passed in Original Suit No. 110 of 1985, merely by being produced before the Court, be treated as conclusively establishing the applicant's present representative status. The pleadings and material relating to the said suit show that it was instituted for injunction and proceeded on the assertion that the property in question belonged to Shri Thakur Mahadev Ji Maharaj and that its management was being undertaken by Shri Bhaisheshwar Vyayam Mandal Samiti. The said suit may, therefore, indicate the manner in which the property and its management were described in those proceedings, but it does not, by itself, adjudicate who was legally entitled to hold the office of Shebait or how that office was to devolve upon the applicant. In particular, the

material does not disclose any adjudication recognising a third person as Shebait from whom the applicant could derive a legally established right of succession.

38. The same distinction is material while considering Original Suit No. 1074 of 2017, which was subsequently disposed of in terms of a compromise entered into between Abhishek Chaturvedi, who claimed himself to be the Shebait, and Lalit Chaturvedi. The compromise itself is founded upon the alleged Shebaitnama stated to have been executed by Abhishek Chaturvedi in favour of Lalit Chaturvedi. The fact that the suit culminated in a compromise between the parties cannot, by itself, be treated as establishing the applicant's present status as Shebait. The compromise records an arrangement between the persons who were parties to that proceeding; it does not, by itself, amount to an adjudication of the applicant's present entitlement to the office of Shebait or establish the source, continuity and legal efficacy of the succession through which such entitlement is claimed. Those are distinct questions, which cannot be treated as conclusively established merely on the basis of the compromise.

39. Significantly, neither Original Suit No. 110 of 1985 nor Original Suit No. 1074 of 2017 furnishes an adjudication which conclusively establishes the chain through which the applicant claims to have acquired the office of Shebait. The former proceeds upon the assertion of the deity's ownership and the management of its affairs by the Samiti, while the latter records a compromise between Abhishek Chaturvedi and Lalit Chaturvedi. Neither proceeding, on the material placed before the Court, determines the legal entitlement of a third person to succeed to or hold the office of Shebait, nor does either proceeding adjudicate the precise devolution of such office up to the applicant.

40. This aspect is important because the applicant's claim is not merely that the deity owns the property; his case is that he possesses the legal authority to represent the deity in the present proceedings. For that purpose, it is necessary to distinguish between the existence of the endowment and succession to its representative office. The former may

be reflected in the proceedings in Original Suit No. 110 of 1985, but the latter requires the source of the office, the entitlement of the persons through whom the applicant traces his authority, and the manner in which that authority is said to have devolved upon him to be established.

41. The compromise decree in Original Suit No. 1074 of 2017 does not materially remove that difficulty. A decree passed in terms of a compromise records the consensual arrangement arrived at by the parties and cannot, merely by reason of its existence, be treated as a judicial determination of a question which was neither directly nor conclusively adjudicated in that proceeding. The compromise may constitute material relevant to the applicant's asserted chain of authority, but it does not, without adjudication of the underlying right to the office, convert that asserted chain into an undisputed and self-proving Shebaitship.

42. The position, therefore, is not that the proceedings in the aforesaid suits are irrelevant. They may constitute pieces of evidence relied upon by the applicant in support of the history of management of the endowment. The limited question at this stage, however, is whether those proceedings make the applicant's representative status so clear and undisputed that the Small Causes Court can act upon it without entering into an independent enquiry. They do not. The material still leaves open the source of the Shebaitship, the continuity of the office, the entitlement of the intervening persons through whom the applicant traces his authority, and the manner in which that office is said to have ultimately devolved upon him.

43. In other words, the existence of proceedings concerning the deity or its property cannot be equated with an adjudication of the applicant's Shebaitship. A suit in which the property is described as belonging to Shri Thakur Mahadev Ji Maharaj and its management is attributed to a particular Samiti does not, without a specific adjudication to that effect, establish succession to the office of Shebait. Equally, a compromise between two individuals does not, in the absence of an adjudicated determination of the underlying representative right, establish that a subsequent claimant has acquired an indefeasible right to represent the

deity. The chain of representative authority, therefore, continues to remain a matter requiring examination and cannot be treated as an admitted or self-evident fact for purposes of Order I Rule 10 CPC.

44. It is, accordingly, unnecessary at this stage to pronounce upon the ultimate validity of the applicant's claim to Shebaitship. The limited finding is that neither Original Suit No. 110 of 1985 nor Original Suit No. 1074 of 2017 supplies an adjudicated and undisputed foundation for that claim. The applicant may rely upon those proceedings, along with the other documents produced by him, in an appropriate proceeding where the source and succession of the office are directly in issue; but those materials do not compel the Court, while considering the application for impleadment, to accept the applicant's present representative status as an established legal fact.

45. The clarification made by the applicant in the supplementary affidavit that he does not assert any personal or proprietary interest in the suit property but claims only in a representative capacity on behalf of the deity may certainly be accepted for the limited purpose of understanding the nature of his claim. That clarification, however, does not establish the representative authority itself. The question is not whether the applicant describes his claim as personal or representative; the question is whether the representative capacity asserted by him is an existing and legally recognisable status upon which the Small Causes Court can act without undertaking an adjudication of disputed questions of dedication, vesting, succession and authority. On the material placed before the Court, including the compromise decree relied upon by the applicant, that proposition cannot be accepted as an established premise for impleadment.

46. It is, therefore, important not to confuse the applicant's assertion that the deity owns the property with the applicant's entitlement to represent the deity. The former may constitute a substantive claim concerning the property; the latter concerns the legal basis upon which a particular person claims authority to represent the endowment. The existence of the former does not automatically establish the latter.

47. The argument that the deity itself is a necessary party must consequently be tested against the statutory standard under Order I Rule 10 CPC. The relevant question is not merely whether the deity may have an interest in the property. It is whether, in the suit as framed and in the controversy which the Small Causes Court is competent to determine, an effective decree can be passed without adjudicating the deity's title and whether the presence of the deity through a legally established representative is indispensable for determining the rights and liabilities which arise for consideration in the suit.

48. If the suit can be effectively decreed or dismissed by determining the controversy between the plaintiff and the defendant concerning the asserted landlord-tenant relationship, without finally determining the title of the deity or the validity of the applicant's claim to represent it, the deity does not become a necessary party merely because a third person asserts that the property belongs to it. The test under Order I Rule 10 CPC is not whether the proposed party can identify a possible interest in the subject property; the test is whether the Court can effectively adjudicate the controversy before it without that party.

49. The position is reinforced by the limited nature of the decree which the Small Causes Court is competent to pass. The Court is concerned with the rights and liabilities arising within the controversy falling under its jurisdiction. The adjudication of that controversy does not, by itself, constitute a final determination of title against a stranger who is not a party, particularly where such title is not required to be finally adjudicated for granting or refusing the relief within the Court's jurisdiction. The possibility that a decree may have practical consequences for a person claiming an interest in the property cannot, without more, convert that person into a necessary party.

50. The principle of *dominus litis* also operates in this context, though it is not absolute. Ordinarily, a plaintiff is entitled to choose the persons against whom relief is sought. That principle yields where the statutory requirements relating to a necessary or proper party are satisfied. But the exception cannot be transformed into a means of compelling a plaintiff

to litigate an independent substantive controversy against a person who is not indispensable to the relief sought and whose asserted representative status itself requires adjudication.

51. The present case is materially different from a situation where the representative capacity of the proposed party is admitted, conclusively established, or otherwise forms an undisputed part of the existing controversy. Here, recognition of the applicant as the person competent to represent the deity would itself require an enquiry into the source, continuity and legal validity of the authority asserted by him. The Court would necessarily have to examine questions concerning the endowment, the persons through whom the applicant traces his authority, the capacity in which those persons acted, the legal efficacy of the instrument relied upon for tracing that authority, and the effect of the subsequent compromise decree. Such an enquiry would not merely facilitate adjudication of the existing dispute; it would introduce a new substantive field of adjudication.

52. Order I Rule 10 CPC cannot be used in that manner. The procedural power to add a party is intended to facilitate the adjudication of the controversy; it cannot be invoked where the proposed impleadment would first require the Court to determine whether the proposed party possesses the legal status on the basis of which he seeks to be impleaded, and that determination itself lies beyond the nature and jurisdiction of the pending proceeding.

53. The aforesaid principles may, therefore, be stated in the following terms:

(i) Order I Rule 10 CPC is a procedural and facilitative provision. It enables the Court to add a necessary or proper party for the effective and complete adjudication of the controversy before it, but it does not create an independent substantive right of impleadment and cannot enlarge the jurisdiction vested in the Court by the governing statute.

(ii) The determination whether a person is a necessary or proper party is to be made with reference to the controversy actually

involved in the suit and the relief which the Court is competent to grant. A mere interest in the subject property does not, by itself, make a person a necessary or proper party to the controversy, nor does such an asserted interest, by itself, satisfy the requirements of Order I Rule 10 CPC.

(iii) Where the proceeding is before a Court of Small Causes, the power under Order I Rule 10 CPC must operate within the limited statutory jurisdiction of that Court. The provision cannot be employed to introduce a substantive controversy concerning title, dedication, vesting, succession or representative authority which is not necessary for determining the matter falling within the Court's jurisdiction. The fact that a question touching title may arise incidentally does not authorise the Court to undertake its substantive and conclusive adjudication where such adjudication lies outside its jurisdiction.

(iv) The juristic personality of a deity and the legal authority of an individual to represent that deity are distinct questions. The assertion that the property belongs to a deity does not, by itself, establish that the person seeking impleadment is the lawful Shebait, Mohatmin or representative of that deity.

(v) Where the representative capacity asserted by a proposed party itself depends upon adjudication of the existence of an endowment, the nature of dedication, vesting of the property, succession to the office, source of appointment or authority of the person from whom the proposed party claims to derive his status, such questions cannot ordinarily be introduced into a proceeding of limited jurisdiction through an application under Order I Rule 10 CPC merely by describing the proposed party as a representative of the deity.

(vi) A Shebaitnama, rent receipts or an earlier decree may constitute material relevant to an independent substantive claim, but their production does not, by itself, establish the present

representative authority of the person seeking impleadment where the legal efficacy and source of that authority themselves require adjudication.

(vii) The fact that a deity may have an interest in the property does not make the deity a necessary party in every proceeding concerning that property. The decisive consideration remains whether the relief sought can be effectively adjudicated without finally determining the deity's title and whether the presence of the deity through the proposed representative is indispensable for the decree which the Court is competent to pass.

(viii) The power of impleadment cannot be utilised to convert a proceeding confined to a landlord-tenant or other limited statutory controversy into a forum for adjudication of an independent substantive dispute concerning ownership, dedication, succession or representative authority.

(ix) Rejection of an application for impleadment on these grounds does not amount to adjudication or extinguishment of the substantive rights claimed by the proposed party or the deity. Questions of title, dedication, management, succession and representative authority remain open to determination before the competent forum in appropriate proceedings.

54. Tested on the aforesaid principles, the applicant has not demonstrated that his presence is either indispensable or materially necessary for the effective and complete adjudication of the controversy pending before the learned Small Cause Court. The existing suit can be decided by determining the controversy between the plaintiff and the defendant within the jurisdiction vested in the Court. The applicant's presence would become necessary only if the Court were first required to recognise his asserted representative status and thereafter adjudicate the substantive questions underlying that status. Those are not questions which the Court is required to determine for deciding the existing landlord-tenant controversy.

55. The conclusion is not founded upon a finding that the deity has no interest in the property, nor upon a finding that the applicant is not the Shebait. It is founded upon the more limited proposition that the applicant's asserted representative authority is itself not an admitted or self-evident fact and that recognition of such authority would require an adjudication of substantive questions which cannot be introduced into the present Small Cause proceeding merely through an application under Order I Rule 10 CPC.

56. It is equally important that the rejection of the applicant's prayer for impleadment does not prejudice any substantive remedy otherwise available to him or to the deity. If the applicant claims that the property is dedicated to the deity, that the deity possesses a particular title or interest therein, or that he is lawfully entitled to act as its Shebait, Mohatmin or manager, such rights and claims may be asserted before the competent forum in accordance with law. The present order merely declines to bring those questions into a proceeding in which their adjudication is neither necessary nor within the proper scope of the jurisdiction exercised by the Court.

57. The learned Trial Court, therefore, cannot be said to have committed any error in law or material irregularity in rejecting Application No. 59-C. Its conclusion that the applicant was not required to be impleaded for the effective and complete adjudication of the landlord-tenant controversy is consistent with the statutory scheme and the principles governing Order I Rule 10 CPC. No infirmity warranting interference in the exercise of revisional jurisdiction under Section 25 of the Provincial Small Cause Courts Act, 1887 has been demonstrated.

58. The scope of interference under Section 25 of the Provincial Small Cause Courts Act, 1887 is limited. The revisional jurisdiction is not an appellate jurisdiction permitting this Court to substitute its own view merely because another view on the material may be conceivable. Interference is justified where the Court of Small Causes has exercised jurisdiction not vested in it by law, failed to exercise jurisdiction so

vested, or acted in the exercise of its jurisdiction with material irregularity. The impugned order discloses none of these infirmities.

59. For the reasons recorded above, the revision lacks merit and is, accordingly, **dismissed**.

60. It is, however, made clear that the observations contained in this judgment are confined to the question of impleadment in the present proceedings. Nothing contained herein shall be construed as a final adjudication regarding the ownership of the suit property, the existence, validity or nature of any dedication or endowment, the legal or evidentiary effect of the judgment and decree passed in Original Suit No. 110 of 1985, the legal or evidentiary effect of the Shebaitnama dated 30.11.2015 or the rent receipts, or the applicant's ultimate entitlement, if any, to hold or succeed to the office of Shebait, Mohatmin or representative of the deity. All such substantive questions are expressly left open for determination, if raised, before the competent forum in accordance with law.

(Dr. Yogendra Kumar Srivastava, J.)

September 21, 2026

RKK/-