HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL REVISION No. - 46 of 2025

Veerendra Kumar Khandelwal

.....Revisionist(s)

Versus

Seva Bharti Bundelkhand Shri Madhav Samiti

.....Opposite Party(s)

Counsel for Revisionist(s) : Rishabh Agarwal, Shubham Agarwal
Counsel for Opposite Party(s) :

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Notices were duly served upon the respondents, and service was held to be sufficient. However, none appeared on their behalf.

2. Heard learned counsel for revisionist.

3. The present civil revision has been preferred against the impugned order dated 22.01.2025 passed by the learned Additional District Judge, Court No. 1, Jhansi, in Misc. Case No. 523 of 2019 (*Veerendra Kumar Khandelwal v. Yogendra Singh Batra and Others*).

4. Learned counsel for the revisionist submits that a petition seeking a Letter of Administration was filed by the revisionist. An application under Order I Rule 10(2) of the Code of Civil Procedure, 1908 (C.P.C.), filed by the respondents, was allowed by the learned trial court on the basis of a Will alleged to have been executed in their favour by the owner of the disputed property. It is further submitted that the learned trial court allowed the impleadment application without framing or considering any issue or ascertaining whether the respondents were necessary parties to the proceedings. The impugned order is devoid of merits. It is further contended that a third party has no right to seek impleadment in a petition for a Letter of Administration. In support of his contention, learned counsel for the revisionist has placed reliance upon the judgment of the Hon'ble Supreme Court in ***Sarvinder Singh v. Dalip Singh and Others*, (1996) 5 SCC 539**.

5. Heard learned counsel for the revisionist and perused the impugned order passed by the learned trial court.

6. A perusal of the impugned order reveals that the same is devoid of reasons. The learned trial court has not discussed the grounds on which the application filed by the respondents seeking impleadment under Order I Rule 10(2) C.P.C. was allowed.

7. It is well settled that an application for impleadment under Order I Rule 10(2) C.P.C. can be allowed only upon the court being satisfied that the person seeking impleadment has a direct and substantial interest in the subject matter of the proceedings and that his presence is necessary for the effective and complete adjudication of the dispute. Unless the applicant demonstrates such a legally recognizable interest, the application for impleadment cannot be allowed merely on the basis of an asserted claim over the disputed property.

8. Accordingly, the present civil revision is ***allowed***. The impugned order dated 22.01.2025 passed by the learned Additional District Judge, Court No. 1, Jhansi, is hereby set aside. Since this Court, in exercise of its revisional jurisdiction, cannot substitute its own findings on an issue that has not been duly considered and determined by the court below, the matter is remitted to the learned trial court to reconsider the impleadment application filed by the respondents and pass a fresh, reasoned order, either allowing or rejecting the same, in accordance with law.

October 27, 2026
Mukesh

(Anil Kumar-X,J.)

Digitally signed by :-
MUKESH SRIVASTAVA
High Court of Judicature at Allahabad