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CASE ANALYSIS OF VIJAY A. MITTAL V. KULWANT RAI, CIVIL APPEAL NO. 5177 OF 2009

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I. ABSTRACT

The case of Vijay A. Mittal v. Kulwant Rai stands as a landmark precedent in Indian civil procedural and Hindu personal law. It centres on a dispute concerning the specific performance of a sale agreement dated June 12, 1979, involving joint Hindu family (JHF) property. The primary legal issues addressed by the Supreme Court were the binding nature of a sale agreement executed by the karta of a JHF, the procedural validity of a suit where not all legal heirs of a deceased party were formally impleaded under Order XXII Rule 4 of the Code of Civil Procedure, 1908 (CPC), and the legal consequences of a subsequent collusive transfer made with knowledge of a prior agreement. The Court upheld the authority of the karta to bind coparceners through such an agreement. Crucially, it held that the impleadment of every legal heir is not a mandatory procedural requirement if those already on record adequately and substantially represent the interests of the non-impleaded heirs. This ruling clarifies the intersection between substantive Hindu law and procedural mandates, mitigating the risk of abatement on mere technical grounds and reinforcing the principle of representative litigation. The judgment provides essential guidance on navigating procedural intricacies in representative suits and property disputes involving joint families, thereby ensuring that substantive justice is not defeated by procedural technicalities.

II. KEYWORDS

Order XXII CPC, Legal Representatives, Joint Hindu Family, Karta's Authority, Impleadment of Parties

III. INTRODUCTION

Vijay A. Mittal v. Kulwant Rai², decided by the Supreme Court on January 28, 2019, is a landmark judgment in Indian civil procedural and Hindu personal law. The case

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² Vijay A. Mittal v. Kulwant Rai, (2019) 3 SCC 520.

primarily addresses three interconnected legal issues: the impleadment of legal representatives under Order XXII Rule 4 of the Code of Civil Procedure, 1908 (CPC); the enforceability of a contract for specific performance involving Joint Hindu Family (JHF) property; and the binding authority of the karta in transactions concerning coparcenary property. The Supreme Court's analysis of these issues clarifies critical procedural and substantive law principles, ensuring that technicalities do not override substantive justice.

This appeal arose from the final judgment of the Punjab and Haryana High Court, which dismissed the appellants' regular second appeal and upheld the decision of the First Appellate Court. The trial court had ruled in favour of the plaintiffs, a decision affirmed by the First Appellate Court and later by the High Court. The appellants, aggrieved by these concurrent findings, approached the Supreme Court.

The original suit was filed by Kulwant Rai and Atul Kumar against Amar Nath, Yash Pal Mittal, Sunil Mittal, and Bal Kishandas. During the pendency of proceedings, Kulwant Rai, Amar Nath, and Yash Pal Mittal passed away, and their legal representatives were substituted to protect their interests, as the right to sue survived.

This case is particularly significant for its nuanced interpretation of Order XXII Rule 4 of the CPC regarding the non-joinder of legal heirs. It also reinforces the binding nature of transactions entered into by the karta of a Joint Hindu Family (JHF), offering clarity on the interplay between substantive Hindu law and procedural mandates.

IV. CORAM

The bench comprised:

1. Hon'ble Justice Abhay Manohar Sapre
2. Hon'ble Justice Indu Malhotra

V. FACTS

The plaintiffs filed a suit for specific performance of a sale agreement dated June 12, 1979, concerning a property in Ambala Cantt. The agreed sale price was ₹46,000, with an advance payment of ₹5,000. The plaintiffs alleged that the defendants breached the agreement by selling the property to third parties.

A. Timeline of Key Events:

1. June 12, 1979: Execution of the sale agreement.
2. Original Suit Filed: The suit was instituted prior to 1992 (the trial court's decree having been passed before the filing of the first appeal on 15.02.1992). The suit was originally instituted on March 19, 1982.
3. During Pendency: Defendant No. 1, Amar Nath, died during the proceedings. His legal representatives were subsequently impleaded.
4. Later Deaths: During the prolonged litigation, the original plaintiff Kulwant Rai and another defendant, Yash Pal Mittal, also passed away, and their legal representatives were substituted.

B. The legal representatives of Amar Nath raised three key defences:

5. Amar Nath was not the absolute owner but merely the karta of the Joint Hindu Family property.
6. He lacked competence to enter into the agreement without the consent of other coparceners.
7. The sale was not for legal necessity and thus not binding on the coparceners.

The trial court dismissed the suit, accepting these defences. The First Appellate Court, however, reversed this decision on 15.04.1993, holding that Amar Nath, as karta, had the authority to bind the coparceners and that the subsequent transfer was collusive. The High Court affirmed this view on 21.12.2007, leading to the appeal before the Supreme Court.

VI. ARGUMENTS

The appellant side objected, claiming that the respondents, who were the original plaintiff, had impleaded just some of the legal representatives of the first original defendant, late Amar Nath, out of a total of eight representations in their initial appeal. They excluded the other legal heirs under order 22 rule 4 of the Code of Civil Procedure, rendering the trial court's decision dismissing the civil action final for those legal heirs who were not named parties to the complaint.

The appellants further contended that by allowing the appeal and decreeing in favour of the respondents, the First Appellate Court created two conflicting and simultaneous decrees: one against the impleaded legal heirs (by the appellate decree) and one in favour of the non-impleaded legal heirs (by the trial court's decree, which became final as to them). This, they argued, was a procedural illegality.

In response to this argument, the respondents claimed that the circumstance of competing decrees was not legitimate. They contended that the other legal heirs who were designated parties adequately represented the legal heirs who were not impleaded to the litigation. Furthermore, they emphasised that the appellants had not objected to the names of the parties throughout the trial court proceedings or while the case was being considered by the first appeal court and the high court. As a result, they contended that the appellants lacked standing to contest the high court's decision.

VII. RATIO AND REASONING:

The Supreme Court's decision rests on three clearly delineated legal principles, which form the ratio decidendi of the judgment.

A. Authority of the Karta in a Joint Hindu Family

The Court reaffirmed the settled principle of Hindu law that the karta of a Joint Hindu Family has the inherent power to manage joint family property and enter into transactions on behalf of the coparcenary.³ Consequently, a sale agreement executed by the karta is binding on all coparceners, provided it is for legal necessity or the benefit of the estate.⁴ The Court found that the agreement in question was validly executed by Amar Nath in his capacity as karta, and the subsequent defence that he lacked absolute ownership was untenable.

³ *Surjit Lal Chhabda v. Commissioner of Income Tax*, (1976) 3 SCC 142.

⁴ *Hindu Succession Act*, 1956, § 6.

B. Collusive Transactions and the Rights of a Prior Agreement Holder

The Court applied the doctrine against collusive transfers designed to defeat existing contractual obligations. It held that a subsequent transferee who purchases property with full knowledge of a prior agreement for sale cannot claim to be a bona fide purchaser for value.⁵ The transfer of the suit property by Amar Nath to defendants Nos. 2 and 3, undertaken with the intent to frustrate the plaintiffs' rights under the 1979 agreement, was therefore declared collusive and ineffectual against the plaintiffs.

C. Interpretation of Order XXII Rule 4 CPC: Impleadment and Representation of Legal Heirs

This aspect formed the core procedural issue. Order XXII Rule 4 CPC mandates that upon the death of a defendant, the legal representatives must be brought on record within 90 days, failing which the suit abates as against the deceased defendant.⁶

The appellants contended that the failure to implead all eight legal heirs of the deceased Amar Nath at the appellate stage was a fatal procedural defect. The Supreme Court, however, provided a nuanced interpretation. Relying on precedents such as *Phool Rani & Ors. v. Naubat Rai Ahluwalia*,⁷ it distinguished between the procedural requirement of impleadment and the substantive purpose of representation.

The Court held that the joinder of every legal heir is not an absolute necessity if the interests of the absent heirs are adequately and substantially represented by those already on record.⁸ In this case:

1. Several legal heirs were already parties in the trial court and had filed a joint written statement.
2. The defences raised were common to all heirs, centering on the karta's lack of authority and the absence of legal necessity.

⁵ Prem Singh v. Birbal, (2006) 5 SCC 353.

⁶ Code of Civil Procedure, 1908, Order XXII, Rule 4.

⁷ Phool Rani & Ors. v. Naubat Rai Ahluwalia, (1973) 3 SCC 688.

⁸ Uday Shankar Triyar v. Ram Kalewar Prasad Singh, (2006) 1 SCC 75.

3. Those heirs not formally impleaded at the appellate stage had, in substance, authorized the represented heirs to act on their behalf.

Therefore, the Court concluded that the non-joinder did not cause prejudice or create conflicting interests. The decree passed was binding on all legal heirs, and the suit did not abate. This ruling clarifies that the strict timeline under Order XXII Rule 4 is intended to ensure representation, not to mandate a mechanical impleadment of every heir when representation is already effective.

VIII. CONCLUSION

Vijay A. Mittal v. Kulwant Rai is a landmark ruling that significantly clarifies substantive Hindu law and civil procedure in the context of joint family property disputes. The Supreme Court's judgment reaffirms three core legal principles:

A. The Binding Authority of the Karta:

The Court conclusively established that a transaction entered into by the karta of a Joint Hindu Family, in relation to coparcenary property, binds all coparceners, even in the absence of their express consent, provided it is for legal necessity or family benefit. This reaffirmation fortifies the position of the karta in managing joint estate and provides certainty in transactions involving Hindu undivided family property.

B. The Doctrine Against Collusive Transfers:

The judgment reinforces the principle that a subsequent transferee who acquires property with knowledge of a prior enforceable agreement cannot claim to be a bona fide purchaser. Such transfers are deemed collusive and ineffectual against the rights of the prior agreement holder, thereby protecting the sanctity of contracts and preventing fraudulent evasion of contractual obligations.

C. Procedural Flexibility under Order XXII Rule 4 CPC:

Perhaps the most procedurally significant contribution of this case is its nuanced interpretation of Order XXII Rule 4. The Court held that the mandatory joinder of every legal heir of a deceased party is not an absolute requirement if those already on record adequately and substantially represent the interests of all heirs. This

decision introduces essential flexibility into the procedural machinery, ensuring that suits are not defeated merely on the technical ground of non-joinder when no substantive prejudice or conflict of interest exists.

D. Practical Implications and Significance:

This judgment has far-reaching implications for civil litigation practice in India. First, it provides crucial guidance to courts in navigating the procedural intricacies of representative suits and abatement, shifting the focus from a rigid, formalistic application of impleadment rules to a more substantive inquiry into adequate representation. This prevents the miscarriage of justice where technical lapses could otherwise terminate meritorious claims.

Second, for practitioners dealing with Joint Hindu Family property disputes, the case serves as a vital precedent underscoring the enduring authority of the karta and the enforceability of agreements executed by them. It also arms litigants and counsel with a clear argument against collusive subsequent transfers.

Ultimately, *Vijay A. Mittal v. Kulwant Rai* exemplifies the judiciary's role in harmonizing procedural mandates with the demands of substantive justice. It stands as a critical authority for courts and lawyers alike, offering clarity, predictability, and fairness in the adjudication of complex disputes involving family law, contract enforcement, and civil procedure.

IX. REFERENCES

A. Cases

1. *Phool Rani v Naubat Rai Ahluwalia* (1973) 3 SCC 688, AIR 1973 SC 2110.
2. *Prem Singh v Birbal* (2006) 5 SCC 353, AIR 2006 SC 3608.
3. *Surjit Lal Chhabda v Commissioner of Income Tax* (1976) 3 SCC 142, AIR 1976 SC 109.
4. *Uday Shankar Triyar v Ram Kalewar Prasad Singh* (2006) 1 SCC 75, AIR 2006 SC 269.
5. *Vijay A. Mittal v Kulwant Rai* (2019) 3 SCC 520.

B. Legislation

1. Code of Civil Procedure 1908 (Act No 5 of 1908).
2. Hindu Succession Act 1956 (Act No 30 of 1956).