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Learn in a Minute: Joinder of Parties under the Code of Civil Procedure

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Joinder of parties refers to the inclusion of multiple parties, either as plaintiffs or defendants, in a single suit.

Introduction

The concept of joinder of parties is pivotal in civil litigation, ensuring that all necessary and proper parties are included in a suit to enable the court to adjudicate effectively. The Code of Civil Procedure, 1908 (CPC), lays down comprehensive provisions concerning the joinder of parties. These provisions aim to facilitate procedural efficiency, avoid multiplicity of suits, and ensure justice. This article delves into the principles, provisions, and judicial interpretations governing the joinder of parties under the CPC.

Types of Joinder

Order 1 of the Code of Civil Procedure (CPC) deals with the parties to a suit, including how parties are joined, misjoined, or non-joined.

1. Necessary Parties: These are parties without whom a suit cannot be effectively adjudicated. If a necessary party is not included, the decree passed would be ineffective. The test for determining a necessary party was laid down in Udit Narain v. Board of Revenue where the Supreme Court held that a necessary party is one whose presence is essential for the court to grant relief.
2. Proper Parties: These are parties who may not be essential for passing an effective decree but whose presence facilitates the complete and comprehensive settlement of disputes.

Rule for Joinder

Under **Order I, Rule 1**, multiple plaintiffs may join in a suit if:

- They assert a right to relief in respect of the same act or transaction.
- There must be common legal or factual issues that need to be adjudicated. If the resolution of one claim would substantially affect the other claims, a joint suit is preferable for judicial efficiency.

Similarly, **Order I, Rule 3**, allows multiple defendants to be joined if:

- The relief sought arises out of the same act or transaction. The acts of the defendants should be so related that their inclusion in a single suit is justified.
- If common issues of law or fact arise against multiple defendants, it is efficient to try them together rather than in separate proceedings.

The purpose of **Order I, Rules 1 and 3** is to ensure that litigation is conducted efficiently and economically. By allowing multiple plaintiffs or defendants to be joined, courts avoid inconsistent judgments and unnecessary duplication of proceedings. However, the court retains discretion under **Order I, Rule 2** to order separate trials if joinder causes confusion or prejudice to any party.

Under **Order I, Rule 10**, the court has the discretion to add or remove parties if it finds their presence necessary for the effective and complete adjudication of the case.

Joinder of Causes of Action

The concept of **joinder of causes of action** under the Civil Procedure Code (CPC) is aimed at promoting judicial efficiency by allowing multiple claims to be heard together, thereby avoiding unnecessary litigation. This principle is primarily governed by **Order 2 of the CPC**.

General Rule (Order 2, Rule 3)

As per **Order 2, Rule 3**, a plaintiff has the option to combine multiple causes of action in a single lawsuit against the same defendant or defendants, provided that they originate from the same transaction or series of transactions. This prevents the filing of multiple suits based on interconnected claims, saving time and resources for both the parties and the courts.

Joinder in Case of Multiple Plaintiffs or Defendants (Order 2, Rule 4)

When a case involves more than one plaintiff or defendant, the joinder of different causes of action is subject to a crucial condition- there must be a common question of law or fact connecting the claims. This ensures that the trial remains coherent and does not become overly complex due to unrelated issues being tried together.

Splitting of Claims and its Consequences (Order 2, Rule 2)

A plaintiff is required to include all claims arising from the same cause of action within a single suit. If any part of the claim is omitted voluntarily, the plaintiff loses the right to sue separately for that omitted claim at a later stage. This rule aims to prevent the misuse of judicial resources and restricts plaintiffs from splitting their demands into multiple suits to harass the defendant.

Conclusion

Joinder of parties and causes of action under CPC ensures judicial efficiency and prevents multiplicity of suits. While the provisions allow for flexibility, courts exercise discretion to ensure that unnecessary parties are not joined and necessary parties are included for a just resolution.