

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 398 of 2015

ORDER:

-

The present Civil Revision Petition is filed under Article 227 of the Constitution of India, aggrieved by the order dated 31.12.2014 passed in I.A.No.146 of 2014 in C.M.A.No.5 of 2013 on the file of the Special Judge for trial of cases under SC/ST (POA) Act-cum-VI Additional District Judge, Kurnool, wherein and whereunder an application filed under Order 1 Rule 10 of C.P.C. for impleading the third parties as respondent Nos.6 and 7 in the appeal was allowed.

The facts in issue are as under:

Respondent No.1 herein purchased the property in question ie. suit schedule property which is also subject matter of E.P.No.10 of 2007 in O.S.No.180 of 1989, from respondent No.5, who is the decree holder, under a registered sale deed dated 16.02.2013 for a valid consideration and took possession of the same. Subsequently, he sold the said property to respondent No.2 herein under a registered sale deed 07.03.2014. While things stood thus, the vendor respondent No.5 died, hence, filed an application for making them as necessary parties.

A counter came to be filed by respondent No.6 contending that respondent No.5 filed E.P. for delivery of possession of the property and hence, the claim of the petitioners therein that they have been in possession and

enjoyment of the property over the property from the date of purchase is not correct. In any event it is stated that no prejudice would be caused to the petitioners therein even if they are not impleaded as parties in the appeal.

After analyzing the material on record, the trial Court allowed the petition. Challenging the same the present revision is filed.

Learned counsel for the petitioner submits that pending C.M.A. the application filed by the petitioners was allowed and no prejudice is caused to them if they are not impleaded in the appeal and as no relief can be sought against them.

A perusal of Order 1 Rule 10 of the CPC show it is open to the Court to add any such person as necessary party in the suit to enable the Court to effectively adjudicate the questions involved in the suit. Under Order 1 Rule 10 of C.P.C., impleadment can be ordered by the Court when it finds that in the absence of the applicant seeking impleadment as party to the suit, the controversy raised in the suit cannot be effectively and completely settled.

A perusal of the material on record disclose that the implead petitioners are the persons who purchased the property from respondent No.5 who was the owner of 'B' schedule property, which was also one of the property sought to be partitioned in O.S.No.2 of 2012. Therefore, the trial Court rightly felt that impleadment of third parties who are the subsequent purchasers, are necessary parties to the appeal proceedings and no prejudice would be caused to the appellant if they are made as parties. Hence, this Court is of the view that the order

under challenge, wherein the proposed respondents are made as parties to the appeal proceedings as respondent Nos.6 and 7 warrants no interference.

For the aforesaid reasons, I see no merits in the revision and the same is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

C. PRAVEEN KUMAR, J

10.02.2015

gkv