

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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CIVIL REVISION PETITION 4874 OF 2015

ORDER:

This revision is preferred by the petitioner/defendant, which is a society running an educational institution. The plaintiff instituted the suit for its eviction. In that suit, the defendant has filed an interlocutory application under Order 1 Rule 10(2) C.P.C seeking impleadment of the others as defendants. That application, though not opposed by the plaintiff, the Court has rejected it by the impugned order dated 05.10.2015.

The plaintiff either succeeds or loses his case in securing the eviction of the petitioner/defendant herein, entirely on its own strength. The scope of the suit cannot be enlarged by way of an application like the present one, attempted by the defendant. Therefore, very rightly, the interlocutory application has been dismissed by the Court below. It is certainly open to the defendant in the suit to examine any person who is familiar with the facts or issues at controversy in the suit and examine such a person as a witness on his behalf for securing additional strength and support to his case. A party to a suit cannot seek impleadment of others as defendants, without setting up a proper pleading and also by seeking appropriate relief against such party or treat such a party as a proper and necessary party or declaring such a party as a mere proforma party. No such application can be ordered. All the more so when the proposed defendants themselves have objected to their impleadment of the suit for eviction of the petitioner/defendant. Therefore, I see no reason to interfere with the order passed by the Court below and this revision is accordingly dismissed with costs of Rs.1,000/- (Rupees one thousand only) to be deposited to the credit of the suit within four weeks from today and the costs would get regulated as per the final decision in the suit.

Consequently, miscellaneous applications pending if any, shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

13.11.2015

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