

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.4891 of 2013

ORDER:

Heard Sri D.Madhava Rao, learned counsel for the petitioner and the 2nd respondent, party-in-person.

2. This Revision Petition is filed challenging the order dt.21-10-2013 in I.A.No.116 of 2013 in O.S.No.790 of 2008 of the IV Senior Civil Judge, City Civil Court, Hyderabad.
3. Petitioner herein filed the said suit for specific performance of an agreement of sale dt.15-04-1999 allegedly executed by 1st respondent in his favour in respect of plot Nos.401 and 402 in Padmasagar Apartments, Sanjeevareddy Nagar, Hyderabad, within specified boundaries.
4. The 2nd respondent filed I.A.No.116 of 2013 under Order I Rule 10 CPC seeking to get impleaded and contending that there is an agreement of sale dt.26-03-2008 between himself and 1st respondent and that there was a special power of attorney dt.16-06-2010 also executed by 1st respondent in his favour.
5. Although this application was opposed by the petitioner (on the ground that there cannot be impleadment on the basis of agreement of sale), by the order dt.21-10-2013, the Court below allowed the said application on the ground that 2nd respondent is a subsequent purchaser of the suit schedule property.
6. Learned counsel for the petitioner contended that an agreement of sale does not create any interest in immoveable

property and without noticing the principle of law, the Court below had erroneously held that 2nd respondent is a subsequent purchaser and had impleaded him in the suit.

7. I find considerable force in the submission of the learned counsel for the petitioner. The legal contention raised by the learned counsel for the petitioner is also not disputed by 2nd respondent who is appearing as a party in person.

8. In this view of the matter, the Civil Revision Petition is allowed and the order dt.21-10-2013 in I.A.No.116 of 2013 in O.S.No.790 of 2008 of the IV Senior Civil Judge, City Civil Court, Hyderabad is set aside. No costs.

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 07-09-2015

kvr