

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.1000 of 2015
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ORDER:

The petitioners are the plaintiffs in O.S. No.256/2011 on the file of the Court of the learned XIII Additional District & Sessions Judge, FAC VIII Additional District & Sessions Judge (Fast Track Court), Gajuwaka. They filed the said suit for partition and separate possession of the plaintiffs' share. In the said suit, defendants filed I.A. No.309/2012 seeking impleadment of defendants 6 to 26 in the suit. The said application was allowed, by order dated 12.08.2014, holding as follows:

“4. On perusal of the main case, it is clear that the trial of the main suit is not commenced. The reasons mentioned by the petitioners are convincing to add the proposed D6 to D26 as parties. But however the petitioner filed memo not pressing the petition against R21 and R25.

5. In the result, this petition is dismissed against R21 and R25 and allowed for R.6 to R.20, R.22 to R.24 and R.26. Accordingly petition is allowed.”

The present Civil Revision Petition is filed challenging the said order.

A perusal of the above order shows that no reason was assigned for impleading the defendants 6 to 26 except stating that the reasons mentioned by petitioners are convincing. The lower Court is supposed to express the reasons as to how it got convinced for impleadment of defendants 6 to 26 as defendants in the suit for partition.

In the circumstances, the impugned order dated 12.08.2014 is set aside, and I.A. No.309/2012 is remanded to the lower Court for consideration of the said application afresh, in accordance with law, after giving opportunity to both the parties.

Accordingly, this Civil Revision Petition is allowed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

15.12.2015

MVA