

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.4199 of 2009

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging order dt.19.06.2009 in I.A.No.328 of 2007 in O.S.No.387 of 2003 on the file of VI Additional Senior Civil Judge, Fast Track Court, Medchal, Ranga Reddy District.

2. The petitioner herein is a third-party to the suit filed by respondent nos.1 and 2 herein against respondent nos.3 to 15 for declaration of their title, for a perpetual injunction and for cancellation of certain documents.

3. The subject matter of suit is an extent of 2100 Sq.yds. in Sy.Nos.76 to 86 at Thimmaipalli Village and Gram Panchayat, Ranga Reddy District.

4. The petitioner herein has filed I.A.No.328 of 2007 under Order 1 Rule 10 (2) C.P.C. to implead itself as a party-respondent to the suit alleging that the subject matter of suit is property belonging to legal representatives of one P. Agam Reddy; that he had also purchased lands from the legal representatives of Late P. Agam Reddy under two registered sale deeds dt.16.11.2002 and 01.02.2002 and is in exclusive possession and enjoyment of the said properties; that he

had purchased other extents from lawful owners under registered Agreements for Sale-cum-GPAs for the purpose of its project in an extent of Acs.54.24 ½ gts.; by virtue of sale deeds existing in his favour, the defendant nos.3 and 4 in the suit have no right, title or interest in the properties; and any judgment passed in the suit would adversely affect petitioner's interest therein.

5. This application was opposed by respondent nos.1 and 2 who denied that petitioner had any right in the subject property. They contended that the petitioner-company itself is a bogus company; the entire land mentioned in plaint schedule was purchased by respondents in 1984 itself; and petitioner with muscle power and influence was occupying plots of innocent purchasers in the layout, including respondent nos.1 and 2; the petitioner-company had purchased in the year 2002 certain extents of land in the layout and the said sale transactions are void in law; the petitioner-company wants to grab the land of innocent and bona fide purchasers; at the fag end of trial in the suit, this application was filed to drag on the suit; and petitioner is not at all a necessary party to the suit.

6. By order dt.19.06.2009, the Court below dismissed I.A.No.328 of 2007. It held that the reasons given in the affidavit filed in support of I.A. are not sufficient to implead petitioner as a party defendant in the

suit; and that there were no circumstances to permit the petitioner to be impleaded as a party defendant in the suit.

7. Questioning the same, the present Revision is filed.

8. Heard counsel for petitioner; Sri B.S. Prasad for respondent nos.7 and 8; and Sri P. Nagaraj for 6th respondent.

9. Counsel for petitioner contended that the order passed by the court below is erroneous and it ought to have impleaded the petitioner as defendant in the suit.

10. The counsel for respondents contended that the order passed by court below is correct and did not warrant any interference with it in exercise of its jurisdiction under Article 227 of the Constitution of India.

11. Respondent nos.1 and 2 admittedly filed the suit for declaration of their title to plaint schedule property and also for relief of injunction against defendants therein apart from cancellation of certain documents. Respondent nos.1 and 2 are the *dominis litis*. The respondent nos.1 and 2 have opposed the addition of petitioner as a party to suit. Although petitioner pleaded that it had purchased certain extents of land from legal representatives of Late P. Agam Reddy under sale deeds dt.16.11.2002 and 01.02.2002, it has not chosen to file the

said documents before the Trial Court. It claims that it is contesting O.S.Nos.1309 of 2003 and 1866 of 2004 before the VI Additional Senior Civil Judge, Fast Track Court, at Medchal, Ranga Reddy District where O.S.No.387 of 2003 is also pending. It claims to have a total extent of Acs.54.24 ½ gts. of land. Without paying any court fee to decide its title thereon, and that too in a suit filed by respondent nos.1 and 2 wherein the court fee was paid on the extent of 2100 Sq.yds. of land, claimed by them, the title or interest of petitioner cannot be decided. More so, when respondent nos.1 and 2, who are plaintiffs in the suit and who are *dominis litis*, have opposed impleadment of petitioner.

12. I, therefore, hold that it is not a fit case to interfere with the order dt.19.06.2009 in I.A.No.328 of 2007 in O.S.No.387 of 2003 on the file of VI Additional Senior Civil Judge, Fast Track Court, at Medchal, Ranga Reddy District. Therefore, the Revision fails and is accordingly dismissed. No order as to costs.

13. However, it is made clear that this will not preclude petitioner from taking independent proceedings against respondents, if the petitioner is so advised.

14. Miscellaneous applications, pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-06-2015

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