

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.4343 of 2014

Dated 13th March, 2015

Between:

Golla Venkata Hari Prasad

...Petitioner

And

R.Jagadish and others

...Respondents

Counsel for the petitioner: Golla Venkata Hari Prasad

Party-in-person

Counsel for the respondents: ----

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 16.09.2014, in I.A.No.350 of 2014 in O.S.No.1583 of 2013, on the file of the learned XIII Additional District & Sessions Judge, Ranga Reddy District at L.B.Nagar.

I have heard Sri Golla Venkata Hari Prasad, petitioner who has appeared in-person, and perused the record.

Respondent Nos.1 to 3 have filed O.S.No.1583 of 2013 for declaring that respondent Nos.1 and 2 are the absolute owners of the land admeasuring Ac.0.28 guntas, comprising Ac.0.15 guntas and Ac.0.13 guntas, in Survey Nos.178/C3 and 179/A1 respectively of Kondapur Village, Serilingampally Mandal, Ranga Reddy District and for permanent injunction restraining the defendants therein from interfering with the said property. The petitioner is impleaded as defendant No.1 in the said suit. In the said suit, the petitioner has filed I.A.No.350 of 2014 under Order VII Rule 11(d) CPC for rejection of the plaint.

The only ground on which the petitioner has filed the said

application is that respondent Nos.1 to 3 have already filed O.S.No.942 of 2006 against the third parties for declaration of title and injunction in the Court of the learned IX Additional District & Sessions Judge (FTC), Ranga Reddy District at L.B.Nagar which appears to have been later transferred to the Court of the learned XIII Additional District Judge, Ranga Reddy District, that in the said suit, they have filed I.A.No.1524 of 2009 for impleading the defendants in the present suit and that the said application was dismissed on 10.07.2012 by the lower Court. In effect, the petitioner pleaded that the order in the said application operates as *res judicata*. The lower Court by the order under revision has rightly dismissed the said application.

On the petitioner's own pleading, the effort made by respondent Nos.1 to 3 to implead him and respondent No.4 as parties to O.S.No.942 of 2006 did not bear fruit with the dismissal of their application i.e., I.A.No.1524 of 2009, on 10.07.2012. Respondent Nos.1 to 3 cannot therefore be left remediless *qua* the petitioner and respondent No.4. Having been unsuccessful in their attempt to implead the petitioner and respondent No.4 in the previous suit, they are well justified in filing the present suit for getting a similar relief which was claimed in O.S.No.942 of 2006 against the third parties, against the petitioner and respondent No.4 also. Therefore, it is wholly incomprehensible that the order, dated 10.07.2012, in I.A.No.1524 of 2009, in O.S.No.942 of 2006, constitutes *res judicata*.

For the above-mentioned reasons, I do not find any jurisdictional error in the order of the lower Court in dismissing the IA filed for rejection of the plaint. The civil revision petition is therefore dismissed.

C.V.NAGARJUNA REDDY, J

13th March, 2015
VGB