

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.4514 of 2014

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Dated 05.02.2015
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Between:

Chinnam Narsimhulu

...Petitioner

and

Chinnam Pandurangam and 4 others

...Respondents

Counsel for the Petitioner: Mr.J.Venudhar Reddy

Counsel for the respondents: ---

The Court made the following:

Order:

This Civil Revision Petition arises out of Order, dated 20.08.2014, in IA.No.652 of 2013 in OS.No.812 of 2008, on the file of the Court of the learned XI Additional District Judge (FTC), Ranga Reddy District.

Respondent No.1 has filed the above-mentioned suit for partition and separate possession of the suit schedule properties against the petitioner and respondent No.2. Pending the

suit, he has filed the above-mentioned application for impleading respondent Nos.3 to 5 as defendant Nos.3 to 5 in the suit.

It is the pleaded case of respondent No.1 that after his cross-examination as PW.1, he was given legal advice that the proposed respondents are entitled to share in the suit A, B and C schedule properties as daughters of late Chinnam Manaiah and that if they are not impleaded, the suit would suffer from non-joinder of necessary and proper parties and is likely to be dismissed. This application was resisted by the petitioner. However, by a thoroughly non-speaking order, the lower Court has partly allowed the application *qua* respondent Nos.3 and 4 while dismissing the same *qua* respondent No.5 on the ground that her address has not been ascertained.

Sri J.Venudhar Reddy, learned Counsel for the petitioner, has strongly submitted that though his client has resisted the application, the lower Court has failed to give any reasons whatsoever for allowing the same.

While I agree with the learned Counsel for the petitioner that the manner in which the lower Court has passed the impugned order is thoroughly

unsatisfactory, I am not inclined to interfere with the impleadment of respondent Nos.3 and 4, who are stated to be the daughters of late Chinnam Manaiiah, on the ground that their non-impleadment may lead to dismissal of the suit for non-joinder of necessary parties. This Court is of the further opinion that non-impleadment of the proposed respondents may also lead to multiplicity of proceedings. Therefore, I refrain from interfering with the impugned order of the lower Court allowing the application to the extent of respondent Nos.3 and 4.

Before parting with the case, it needs to be observed that the approach of the lower Court leaves a lot to be desired. When an application is contested, it is the responsibility of the Court to advert to the contents of the counter-affidavits of the parties opposing the application and give reasons for allowing the same. Though the lower Court has taken note of the fact that the proposed defendant No.3 has not filed counter-affidavit, it has failed to notice the counter-affidavit filed by respondent No.1. The lower Court is directed to be careful in future in deciding the miscellaneous applications.

Subject to the above observations, the Civil

Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.6172 of 2014, filed by the petitioner for interim relief, is dismissed as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 5th February, 2015
LUR