

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

FRIDAY, THE FIFTH DAY OF JUNE

TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No.1803 of 2015

BETWEEN

Zargham Hussain and others.

... PETITIONERS

AND

Dr. S. Shyamala Devi and others.

...RESPONDENTS

Counsel for the Petitioners: MS. C. JHANSI

Counsel for the Respondents: --NONE APPEARED--

The Court made the following:

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ORDER:

Petitioners filed an application, being I.A.No.1501 of 2012, for impleadment in O.S.No.385 of 2009 pending before the Principal Senior Civil Judge, Chittoor. The said application was, however, dismissed under the impugned order, which is questioned in this revision.

2. It appears that the first respondent herein filed the aforesaid suit for specific performance against respondent No.2 herein. Petitioners, who claim to be co-owners of the suit schedule property along with defendant No.1, sought impleadment on the ground that their share cannot be affected by the said suit and wanted to come on record to oppose the said suit.

3. The Court below dismissed the said application rightly on finding that merely because the petitioners claim right, title and interest over the suit schedule property that is no ground to implead themselves in a specific performance suit.

4. It is well settled that in a specific performance suit, third parties other than the parties to the agreement or their transferees, assignees, legal heirs are not entitled to come on record and prosecute inasmuch as the scope of the specific performance suit is limited and the same cannot be enlarged to cover claim and counter claims of parties reflecting under the title of the property. I am, therefore, unable to see any error on the part of the Court below in rejecting the said application. There are no grounds to interfere with the impugned order.

The civil revision petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 5, 2015

DSK

