

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No.4522 OF 2015

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India questioning the order, dated 30.06.2015, passed in I.A.No.422 of 2013 in O.S.No.247 of 2007 on the file of the Senior Civil Judge at Karimnagar, wherein the application filed by the petitioner/plaintiff under Order I Rule 10(2) read with Rules 9 and 28 of the Civil Rules of Practice to implead respondent Nos.4 to 9 as defendant Nos.4 to 9 in the main suit, was dismissed.

2. The averments in the affidavit filed in support of the application show that respondent No.2, in collusion with respondent No.1 and the Sub Registrar, Sulthanabad, executed a registered sale deed vide document bearing No.3761/2012 dated 07.12.2012 before the S.R.O, Sulthanabad-proposed party No.6. Further, respondent No.2 is said to have executed that document in favour of respondent Nos.4 and 5, and the proposed respondent No.6 aided in bringing the said document into existence. It is said that respondent No.2 executed that document in favour of respondent Nos.4 and 5 only with an intention to deprive the rights of the petitioner/plaintiff in recovering the suit amount from respondents/defendant Nos.1 to 3 and as such, impleadment of respondent Nos.4 to 9 in the main suit is just and necessary for effective adjudication of the dispute.

3. A counter came to be filed by respondent Nos.1 and 2 contending that the petition is not maintainable, as no relief is claimed against any of the proposed respondents.

4. The record reveals that the petitioner herein filed O.S.No.247 of 2007 to recover the suit amount from respondent No.1 and two others. Initially, the suit was dismissed for default on 02.02.2012 and subsequently, the same was restored. As

seen from the averments in the plaint, O.S.No.247 of 2007 was filed against respondent Nos.1 to 3 to recover an amount of Rs.5,00,000/- with interest at 2% per month from the date of filing of the suit till the date of realization basing on a bond dated 08.09.2005. The case was posted for examination of P.W.1 and at that juncture, the petitioner/plaintiff filed the above application to implead the proposed parties as defendant Nos.4 to 9 though the lis was between the petitioner and respondent Nos.1 to 3. From a reading of the material on record, it is clear that there was a dispute between the petitioner and respondent Nos.1 to 3 and rightly, the suit was filed against them. No sufficient grounds are made out to show as to why respondent Nos.4 to 9 are necessary parties to adjudicate the dispute in O.S.No.247 of 2007. In the absence of any material showing as to how respondent Nos.4 to 9 are necessary parties to the suit, this Court is of the view that the order under challenge warrants no interference of this Court and this revision is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 03.11.2015

AMD

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

-
-
-
-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

DATE: 03.11.2015

AMD