

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.2815 of 2015

Date: 17-12-2015

Between:

G. Padma and 3 others

.. Petitioners

AND

The Assistant Commissioner, Endowments
Department, Kachiguda, Hyderabad and 4 others

.. Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.2815 of 2015

ORDER:

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This Civil Revision Petition is filed by the proposed parties, who want to get them impleaded in O.A.No.53 of 2010 (Old O.A.No.153 of 1999) on the file of A.P. Endowments Tribunal at Hyderabad. The said O.A. was originally filed against the 1st respondent herein before the Deputy Commissioner of Endowments and during the pendency of the said proceedings, he died and the respondents 3 and 4 herein are brought on record as respondents 2 and 3 in the Original Application, as per orders dated 03-11-2007 in I.A.No.23 of 2007. Later on the proceedings were transferred to A.P. Endowments Tribunal at Hyderabad and when the proceedings are pending, the petitioners herein filed I.A.No.1878 of 2014 seeking their impleadment in the above proceedings stating as follows:

".....That the above O.A. was filed by the Asst. Commissioner, Endowments Department, RR District against G. Krishna on the ground that he is the occupant of

the land covered by Sy.No.91 extent Ac.1.10 guntas for several years and did not pay the rent to the temple and thus he has become defaulter thereby treated as an encroacher. During the pendency of the above O.A. he died and his legal heirs brought on record as the legal representatives of late Krishna. In fact, the father of said Krishna and my late husband by name Nagulu and one Anand are the own brothers and sons of late Mallaiah. That my husband died intestate by leaving myself, my two daughters namely K. Ramani and P. Kalpana. The respondent/applicant did not indicate our names apart from the brother of late Krishna and Late Nagulu namely Anand in the above O.A. As such, the following persons are to be impleaded in the above O.A., as the proposed respondents in the array of respondent No.4.....”

Since the above affidavit did not disclose any valid reasons for their impleadment except stating their relationship with the respondents, the application was dismissed by the order dated 20-04-2015. Challenging the same, the present Civil Revision Petition is filed.

A perusal of the affidavit filed as proposed respondents by the present petitioners did not disclose any right in them to be impleaded as parties to the proceedings and the learned Chairman of the Tribunal rightly dismissed the application in the facts and circumstances of the case with the following observations:

“The 1st respondent did not choose to file any counter. Mere because the 1st respondent did not choose to file his counter, we cannot allow the application of the petitioners on that ground as we have to see the above aspects mentioned in the point framed. There is no dispute that the petitioners 1 to 3 are the legal heirs of one Nagulu, and that the original respondent, late G. Krishna, late Nagulu and Anand (4th petitioner) are natural brothers. It is also not in dispute that the petitioners are not the legal heirs of late Krishna against whom the Original Application was initially filed. Except the relationship among late Krishna, late Nagulu and Anand, there is no material placed before this Tribunal as to the nexus between the petitioners and the O.A. schedule

property. Except the argument of the petitioners' counsel, that the petitioners are the proper parties, nothing is mentioned in the affidavit filed supporting this interlocutory application to hold that the petitioners are necessary and proper parties. There is nothing mentioned in the affidavit filed supporting this Interlocutory Application with respect to the remaining submissions made on behalf of the petitioners by their counsel and as such, those submissions are without any foundation and are irrelevant considerations and they need no demonstration or detailed discussion. The Advocate for the petitioners did not state anything before me or in the affidavit of the 1st petitioner filed supporting this application as to the interest of the petitioners over the O.A. schedule property. So, I find no substance in any one of the submissions made on behalf of the petitioners by their counsel.

The original application was filed in 1999 and the present Interlocutory Application is filed in 2014. The present application is filed 15 years after filing the original application.

The submissions made on behalf of the 1st respondents by his counsel without filing any counter needs no consideration as the above submissions are not touching purely a question of law....."

I am in agreement with the above observations of the Tribunal and the impugned order does not warrant any interference, and hence, the Civil Revision Petition is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed. However, this order will not preclude the petitioners herein or any other person from making any application for impleadment justifying their grounds for impleadment. No costs.

A. RAMALINGESWARA RAO, J

Date: 17-12-2015

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