

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.1658 of 2013

ORDER:

Heard Sri D.Madhava Rao, learned counsel for the petitioner and the 1st respondent, party-in-person.

2. This Revision Petition is filed challenging the order dt.05-03-2013 in I.A.No.2 of 2013 in O.S.No.789 of 2008 of the IV Senior Civil Judge, City Civil Court, Hyderabad.
3. The petitioner herein filed the said suit for specific performance of an agreement of sale dt.15-04-1999 allegedly executed by 1st respondent herein in her favour in respect of plot No.403 in Padmasagar Apartments, Sanjeevareddy Nagar, Hyderabad within specified boundaries.
4. The 3rd respondent filed I.A.No.2 of 2013 under Order I Rule 10 CPC seeking to get impleaded. He contended that there is an agreement of sale dt.26-03-2008 between himself and 1st respondent and that there was a special power of attorney dt.16-06-2010 also executed by 1st respondent in his favour.
5. Although this application was opposed by the petitioner on the ground that there cannot be impleadment on the basis of agreement of sale, by order dt.05-03-2013, the Court below allowed the said application on the ground that 3rd respondent is a subsequent purchaser of the suit schedule property.
6. Learned counsel for the petitioner contended that an agreement of sale does not create any interest in immoveable

property and without noticing this principle of law, the Court below had erroneously held that 3rd respondent is a subsequent purchaser and had impleaded him in the suit.

7. The legal contention raised by the learned counsel for the petitioner is also not disputed by 1st respondent who is appearing as a party in person.
8. I find considerable force in the submission of the learned counsel for the petitioner. Title to property does not pass under an agreement for sale. So the 3rd respondent cannot be said to be a subsequent purchaser.
9. In this view of the matter, the Civil Revision Petition is allowed and the order dt.05-03-2013 in I.A.No.2 of 2013 in O.S.No.789 of 2008 of the IV Senior Civil Judge, City Civil Court, Hyderabad is aside. No costs.
10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 07-09-2015

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