

**HON'BLE SRI JUSTICE S. RAVI KUMAR**  
**CIVIL REVISION PETITION No.1778 of 2015**

**ORDER:**

This revision is preferred against order dated 30.03.2015 in I.A.No.31 of 2014 in O.S.No.6 of 2014 on the file of Junior Civil Judge at Narayankhed, Medak District.

2. Brief facts leading to this revision are as follows:

Revision petitioner herein, who is plaintiff in O.S.No.6 of 2014 filed I.A.No.31 of 2014 invoking Order 1 Rule 10 CPC to implead proposed party (R-2 herein) as defendant No.2 in the main suit on the ground that she purchased part of 'B' schedule property from Defendant (Respondent No.1) during the pendency of suit. That application was resisted by respondents on the ground that presence of proposed party is not necessary as the property was purchased during pendency of suit. The trial Court on a consideration of contentions and rival contentions of both parties, dismissed the application on the ground that no document is filed to show that the proposed party has purchased part of suit schedule property from defendant. Aggrieved by the said order, present revision is preferred.

3. Heard both sides.

4. Advocate for revision petitioner submitted that when the sale transaction is not disputed, the trial Court ought to have considered the request of petitioner to implead her as a party to determine the rights of all the parties to avoid future litigation. He further submitted that if petitioner is not permitted to put-forth her case, it will lead to multiplicity of proceedings and to avoid the same, present petition under Order 1 Rule 10 is filed and that trial

Court rejected the request of petitioner on simple ground that the sale deed copy is not filed. On the other hand advocate for respondents submitted that presence of petitioner is not necessary as the sale itself is during the pendency of suit, which shall be subjected to the result of suit.

5. I have perused the material papers including the impugned order dated 30.03.2015. It is not in dispute that proposed party i.e., R-2 herein purchased part of 'B' schedule property through registered sale deed dated 29.03.2014 from defendant i.e., R-1 herein. Admittedly the dispute is between daughter and mother and the proposed party is a third party but not related to plaintiff and defendant.

6. As rightly pointed out by advocate for petitioner to avoid multiplicity of proceedings and to protect the interest of second respondent herein, lower Court ought to have considered the request of petitioner to implead proposed party i.e., R-2 herein as second defendant, particularly, in view of the relationship between plaintiff and defendant.

7. Considering the facts of the case, nature of dispute and the fact that part of suit schedule property is purchased by R-2 herein and as the relief claimed in suit is one for declaration of title, I am of the view that presence of R-2 is necessary for determining the issues involved in the suit.

8. For these reasons, the impugned order dated 30.03.2015 is set aside and I.A.No.31 of 2014 is allowed impleading R-2 herein as second defendant.

9. Accordingly, this Civil Revision Petition is ordered. No costs. Miscellaneous Petitions, if any pending, in this petition,

shall stand closed.

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**S. RAVI KUMAR, J**

Date: 21-08-2015.

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