

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
TUESDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No.1865 of 2014

BETWEEN

Gorantla Subba Rao.

... PETITIONER

AND

Peddiressi Sridevi and another.

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...RESPONDENTS

Counsel for the Petitioner: MR. N. SUBBA RAO

Counsel for the Respondents: --NONE APPEARED--

The Court made the following:

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ORDER:

Petitioner herein is defendant in O.S.No.3 of 2006, on the file of the Senior Civil Judge, Parchur, filed by the second respondent herein against the petitioner seeking eviction and *mesne* profits from the suit schedule property. The said suit is being contested by the petitioner, as written

statement was filed claiming right as a lessee for 99 years. In the said suit, the second respondent herein examined himself as P.W.1 and thereafter, the first respondent herein made an application, being I.A.No.243 of 2014, to come on record as plaintiff No.2 on the ground that the original plaintiff has executed a registered gift deed in her favour dated 11.12.2006 gifting the suit schedule property to her. That application was contested by the petitioner but under the order of the Court below dated 11.06.2014 the application was allowed. Aggrieved thereby, the present revision is filed.

2. I have heard Mr. N. Subba Reddy, learned counsel for the petitioner.

3. Learned counsel for the petitioner contends that the petitioner would be put to serious prejudice if another plaintiff is added to the existing plaintiff, based upon the alleged gift deed dated 11.12.2006. Learned counsel also disputes the averments in the gift deed that possession of the gifted property was delivered to the first respondent herein in view of the fact that the petitioner continues to be in possession under the lease, referred to above.

4. I am, however, unable to see any prejudice to the petitioner/defendant and on the contrary, the request made by the first respondent herein to come on record appears just and appropriate inasmuch as she is the subsequent alienee pending the suit and since the interest of the original plaintiff devolves on her in view of the said registered gift deed, she is entitled to come on record as plaintiff No.2. The application of the first respondent herein for impleadment was, therefore, rightly allowed by the Court below. The Court below has also rightly observed that if this application is disallowed, it will not debar the first respondent from filing an independent suit for eviction on the basis of the gift deed in her favour. Since the very purpose of considering the application under Order 1 Rule 10 of the Code of Civil Procedure is to avoid multiplicity of proceedings, the order impleading the first respondent as plaintiff No.2 calls for no interference.

5. However, since the petitioner/defendant did not have an opportunity to file any pleadings with reference to the claim of now impleaded second plaintiff, it is open for the impleaded second plaintiff to file amended plaint and the petitioner/defendant shall also have opportunity to file additional written statement and thereafter, the trial Court shall proceed further with the trial of the case from the stage at which it had stopped.

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

VILAS V. AFZULPURKAR, J

March 3, 2015
DSK