

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION NO.4290 OF 2015

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ORDER:

This Civil Revision Petition is filed against the order, dated 25-08-2015 in I.A.No.335 of 2015 in O.S.No.262 of 2008 on the file of the Additional Senior Civil Judge, Ongole.

2. Petitioners herein are the defendant Nos. 1 and 6, whereas the 1st respondent is the plaintiff and respondents 2 to 5 are defendants 2 to 5 and respondent No.6 is proposed 7th defendant.

3. Petitioners herein filed the above interlocutory application under Order I Rule 10 (2) and Section 151 of the Code of Civil Procedure, 1908 to implead 6th respondent as 7th defendant in the suit.

4. After considering the material on record, the trial Court dismissed the application. Challenging the said order, this revision is filed.

5. 1st respondent herein filed the suit for recovery of an amount of Rs.7,96,460/- on the basis of a promissory note executed by the defendants. It is stated in the affidavit filed in support of the application to implead the 6th respondent as 7th defendant in the suit that the 2nd petitioner was examined as D.W.1 in the suit and the suit was filed basing on the chit transaction in the name of the 1st petitioner and one Challa Vijay Kumar Reddy of Nellore, son-in-law of 1st petitioner. 1st petitioner never received any consideration and Challa Vijay Kumar Reddy himself paid the instalments and hence, the presence of Challa Vijay Kumar Reddy is necessary in the suit.

6. Counter affidavit was filed by the 1st respondent-plaintiff stating that the petitioners earlier filed I.A.No.1193 of 2012 to summon the said Challa Vijay

Kumar Reddy and the same was allowed on 20-06-2014. After seeking time for paying batta to summon the proposed party, the petitioners filed a memo giving up the said witness. Accordingly, I.A.No.1193 of 2012 was closed on 18-12-2014. The evidence was closed and the suit was posted for judgment. At that juncture, the petitioners filed the above application.

7. The trial Court noticed about closure of I.A.No.1193 of 2012 and held that the proposed party is neither a necessary nor a proper party for effective adjudication of lis and accordingly dismissed the application vide impugned order. The trial Court also noticed that there was no privity of contract between the 1st respondent herein and the proposed party and simply on the allegation that the proposed party was looking after the affairs of the chit, he cannot be added as defendant in the suit. This Court finds that the order passed by the trial Court is perfectly valid and it does not call for any interference in the present revision.

8. Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this revision shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 24-11-2015

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