

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.3058 of 2015

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ORDER :

This civil revision petition is filed under Section 115 of the Code of Civil Procedure, by respondent No.3 in E.A.No.19 of 2015, aggrieved by order, dated 19.06.2015, passed by the learned I-Additional Rent Controller, Hyderabad.

Respondent No.1 herein has obtained decree of eviction originally against respondent No.2, in R.C.No.238 of 2001, and during pendency of proceedings, as she died, the petitioner herein and respondent No.3 were brought on record as legal representatives of respondent No.2. The appeal filed in R.A.No.60 of 2003 by the petitioner and respondent No.3 herein was dismissed and it was further confirmed by this Court in C.R.P.No.3905 of 2006. To execute the decree, respondent No.1 herein has filed E.P.No.12 of 2013. In the said E.P., the petitioner herein was wrongly shown as petitioner No.2, as such, the present application is filed in E.A.No.19 of 2015 under Order VI Rule 17 read with Section 151 C.P.C., seeking permission to amend the cause title by deleting the name of petitioner herein as petitioner No.2 and to add him as respondent No.3 in the E.P. Such petition is allowed by impugned order. As against the same, this civil revision petition is filed.

In this civil revision petition, it is contended by the learned counsel for petitioner that the petitioner was not brought on record to his knowledge as legal representative of respondent No.2, as such, no decree can be executed against him and that there is no reason to permit respondent No.1 for amendment of cause title.

In this case, it is to be noticed that the appeal filed by respondent No.3 and petitioner herein in R.A.No.60 of 2003 against the orders in R.C.No.238 of 2001 is dismissed by order dated 12.06.2006 and the same is also confirmed in the revision filed by them in C.R.P.No.3905 of 2006. In view of the finality to the judgment referred above, it is not open to the petitioner to contend that he is not aware of his impleadment as a party to the earlier proceedings. As much as the petitioner herein was wrongly shown as petitioner No.2, the executing Court has rightly allowed E.A.No.19 of 2015 and this Court does not find any error in the impugned order so as to interfere with the same in this revision petition filed under Section 151 C.P.C.

For the aforesaid reasons, this revision petition is devoid of merit and it is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

31st August 2015

ajr