

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.447 of 2015

ORDER :

Heard Sri V.R. Reddy Kovvuri, counsel for petitioners.

2. This Revision is filed under Article 227 of the Constitution of India questioning the judgment dt.20.01.2015 in I.A.No.628 of 2014 in O.S.No.66 of 2011 on the file of Principal Junior Civil Judge, Proddatur, Y.S.R. District.

3. The petitioner herein is 1st defendant in the said suit. The 1st defendant filed the suit for partition of plaint schedule properties. The petitioner herein as well as other defendants filed written statement opposing the plea of 1st respondent. The plaintiffs' side evidence is completed and the matter is coming up for evidence of defendants.

4. At that stage, the petitioner as well as defendant nos.2, 7, 8, 9 and 10 filed IA.No.533 of 2014 seeking permission to file an additional written statement taking a plea that 1st respondent ought to have impleaded his sisters also as parties in the suit.

5. The said IA was rejected on the ground that the sisters had taken cash in lieu of a share in the property in

satisfaction of their claims at the time of their marriage, and they are not entitled to any share in the properties.

6. Thereafter, petitioner and other defendants filed IA.No.628 of 2014 seeking to re-open the plaintiffs' evidence by re-calling PW.1 for cross-examination on the aspect of non-joinder of necessary parties.

7. The court below dismissed the said application on the ground that petitioners had taken a plea in IA.No.553 of 2014 that their sisters were not entitled to ask for a share in the plaint schedule properties, since they had taken cash at the time of their marriages towards their share.

8. Although counsel for petitioner sought to contend that this order is erroneous, I am of the opinion, that there is no error of jurisdiction in the order passed by the court below, particularly when it was the plea of petitioner and other defendants themselves that their sisters had taken their share at the time of their marriage and are not entitled to a share in the plaint schedule properties.

9. Therefore, this Revision fails and is accordingly dismissed. No order as to costs.

10. Miscellaneous applications, pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-02-2015

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