

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.1637 of 2015

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01.05.2015

Between:

Smt.B.Ramanamma

...Petitioner

And

P.V.Narsing Rao and another

...Respondents

Counsel for the petitioner: Mr.D.Amarender Reddy

Counsel for respondents: --

The Court made the following:

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ORDER:

This civil revision petition arises out of order, dated 31.10.2014, in I.A.No.333 of 2014 in O.S.No.228 of 2011 on the file of learned Additional Junior Civil Judge, Ranga Reddy District at Malkajgiri.

Respondent No.1 filed the aforesaid suit against respondent No. 2 for specific performance of an agreement of sale. The petitioner herein filed the aforesaid I.A. in the said suit under Order I Rule 10 C.P.C. seeking her impleadment on the ground that O.S.No.108 of 2014 filed by her for partition against respondent No.2 is pending and that any decree that may be passed in the present suit is likely to have an adverse effect on her interests. Respondent No.1 resisted the said application by pleading that the petitioner is neither necessary nor proper party to O.S.No.228 of 2011. By the order under revision, the lower Court has observed that respondent No.1, being *dominus litis*, has the discretion to choose his defendants and that therefore, the petitioner cannot be permitted to come on record against the will of respondent No.1.

The lower Court has placed reliance on the judgment of the Apex Court in **Kasturi**

vs. Iyyam Perumal and others, wherein, it was held that the person, who puts-forth an adverse claim to that of the vendor is not a necessary party in a specific performance suit. While dismissing the application, the lower Court has, however, given liberty to the petitioner to file an application for impleadment of respondent No.1 in the suit filed by her.

On a careful examination of the reasoning of the lower Court, I am of the opinion that the order under revision does not call for interference. The lower Court has rightly given the liberty to the petitioner to implead respondent No.1 to the suit filed by her for partition, so that in the event of passing of a decree of partition therein, the same will bind respondent No.1 as well.

For the aforementioned reasons, I do not find any merit in the Civil Revision Petition and the same is accordingly dismissed.

As a sequel to dismissal of the Civil Revision Petition, C.R.P.M.P.No.2198 of 2015 filed by the petitioner for interim stay shall stand dismissed as infructuous.

(C.V.NAGARJUNA REDDY, J)

01st May, 2015

GHN