

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No. 3803 of 2015

ORDER:

The instant Civil Revision Petition is directed against the order dated 25.08.2015 passed in I.A. No.758 of 2015 in O.S. No.507 of 2010 on the file of X Additional Chief Judge, City Civil Court, Hyderabad (for short, 'court below').

2. Defendant No.2 in the original suit filed the said interlocutory application under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (for short, "CPC") seeking impleadment of the A.P. Housing Board, represented by the Assistant Estate Officer Head Quarters, Hyderabad, as defendant No.3 in the original suit.

3. On counter being filed and having heard both sides, the court below passed the order dismissing the interlocutory application with exemplary costs of Rs.5,000/- holding that the A.P. Housing Board is neither proper party nor a necessary party to the eviction proceedings.

4. Heard Sri Altaf Mohammed Khan, learned counsel for the revision petitioner.

5. Since the relief in the original suit is for eviction

sought for by the plaintiff, who is respondent No.1 in the said interlocutory application, learned counsel for the revision petitioner (defendant No.2) was asked as to whom the rents are being paid and he states that the rents are being paid to respondent No.1, i.e., plaintiff, and in fact, it is also according to him, the evidence of plaintiff's side is already closed and the matter is coming up for the evidence of defendants, i.e., tenants. In such an event, certainly, there is no merit in the instant revision petition. But imposing exemplary costs of Rs.5,000/- by the court below appears to be unreasonable, and, therefore, the same is reduced to Rs.2,000/- from Rs.5,000/-.

6. Thus, the instant Civil Revision Petition is partly allowed reducing the costs imposed by the court below as indicated above. There shall be no order as to costs.

7. As a sequel thereto, miscellaneous petitions, if any, pending in this appeal, shall stand closed.

A. SHANKAR NARAYANA, J

14th October, 2015.

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