

HONOURABLE SRI JUSTICE A.V. SESA SAI

CIVIL REVISION PETITION No. 4386 OF 2013

DATED 6TH APRIL, 2015.

BETWEEN

G.V. Narasimha Rao (died) per LRs

....Petitioners

And

K.Shamanthka Mani and ors

...Respondents.

HONOURABLE SRI JUSTICE A.V. SESA SAI

CIVIL REVISION PETITION No. 4386 OF 2013

ORDER:

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The petitioners in LGOP No. 259 of 1987 on the file of the Court of the learned III Additional District Judge, at Karimnagar, are the petitioners in the present Civil Revision Petition filed under Article 227 of the Constitution of India. The challenge in the present revision petition is to the order passed by the said Court dated 06.09.2013, allowing I.A.No.1138 of 2012 filed by the first

respondent herein under the provisions of Order 1 Rule 10 of Code of Civil Procedure.

Heard Sri C.Ramesh Sagar, learned Counsel for the petitioners, and, Sri M. Ram Mohan Reddy, learned Counsel appearing for the respondents, apart from perusing the material available before this Court.

In LGOP.No.259 of 1987 filed by the petitioners herein, the first respondent herein filed I.A.No.1138 of 2012 under Order 1 Rule 10 of CPC, seeking her impleadment as Respondent No.15. The learned Additional District Judge, by way of order dated 06.09.2013, allowed the said application filed by the first respondent. As against the said order passed by the learned III Additional District Judge, Karimnagar, the present Civil Revision Petition has been filed. The principal complaint of the petitioners in the present Civil Revision petition is that the first respondent herein who is a third party to the proceedings filed the application under Order 1 Rule 10 CPC without arraying the petitioners 4 to 7 in O.P.No.259 of 1987 as respondents and the learned Judge allowed the said application totally ignoring the same. The said aspect is not in controversy. In the considered opinion of this Court, the same is fatal to the case of the proposed respondent/first respondent herein. The Court below ought not to have entertained the application in the absence of all the parties to the application. Therefore, without expressing any opinion on the merits or demerits of the subject matter, this Court deems fit and proper to set aside the impugned order on this ground alone.

For the aforesaid reasons, the Civil Revision Petition is allowed, setting aside the order dated 06.09.2013, passed by the learned III Additional District Judge, Karimnagar, in I.A.No.1138 of 2012 in LGOP.No.259 of 1987. Consequently I.A.No.1138 of 2012 shall stand dismissed. However, this order will not preclude the first respondent herein to file an application afresh for the very same relief by showing all the parties, within a period of two weeks from the date of receipt of a copy of this order. If such an application is filed within the time stipulated above, the same be considered and appropriate orders be

passed by the Court below, in accordance with law, within a period of one month thereafter. The Court below shall dispose of the application, uninfluenced by any of the observations made in the impugned order.

The Civil Revision Petition is accordingly disposed of. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed. No order as to costs.

JUSTICE A.V. SESA SAI

6th April, 2015.

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