

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.4542 of 2014

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.15.10.2014 in I.A.No.120 of 2014 in O.S.No.244 of 2013 on the file of the Additional Senior Civil Judge, Karimnagar, refusing to implead the petitioners as parties in the suit filed by respondents.

2. The petitioners claimed to have obtained a sale deed from 2nd respondent on 30.12.2013, stating that a suit O.S.No.140 of 2013 (which was filed by petitioners before the Judge, Family Court – cum – Additional District Judge, Karimnagar against 2nd respondent) was settled before the Lok Adalat Bench, at Karimnagar recording the said sale in favour of petitioners.

3. The property, which is subject matter of O.S.No.140 of 2013 and the sale deed dt.30.12.2013, in fact, had been attached by 1st respondent in suit O.S.No.244 of 2013 filed by him against respondent nos.2 and 3 and the order of attachment was passed on 23.10.2013.

4. The petitioners thereafter filed I.A.No.120 of 2014 under Order 1 Rule 10 C.P.C. to implead them as

defendant nos.3 and 4 in O.S.No.244 of 2013 stating that the properties purchased by them under the sale deed dt.30.12.2013 was subject matter of attachment in the said suit, and therefore they should be impleaded as parties in the said suit.

5. Counter-affidavit was filed by 1st respondent/plaintiff opposing the said impleadment contending that respondent nos.2 and 3 had, in fact, questioned the attachment order in CRP.No.509 of 2014 before this Court, and the said Revision was dismissed holding that the attachment order was passed on 23.10.2013, and the sale deed executed in favour of petitioners herein was subsequent thereto, and sale was void.

6. By order dt.15.10.2014, the Court below dismissed I.A.No.120 of 2014. It held that the suit filed by 1st respondent against respondent nos.2 and 3 is for recovery of money and there is no property which is subject matter of the suit; since petitioners are not concerned with the suit transaction, they cannot be impleaded as parties in the suit; and in CRP.No.509 of 2014, this Court on 22.04.2014 held that the sale deed executed on 30.12.2013 by 2nd respondent in favour of petitioner in respect of the property in question was executed only to defeat the 1st respondent from enjoying

the fruits of the decree, since it was subsequent to the order of attachment passed on 23.10.2013.

7. Heard Sri A. Krupadhar Reddy, counsel for petitioners; and Sri A. Sampath Kumar, counsel for respondents.

8. Although the counsel for petitioners sought to contend that there is an error of jurisdiction in the order passed by the Court below, having regard to the fact that the findings in the order dt.22.04.2014 in CRP.No.509 of 2014, I am of the opinion that the Court below was right in dismissing I.A.No.120 of 2014.

9. Admittedly, petitioners have nothing to do with the transaction which is subject matter of O.S.No.244 of 2013 even though they may be interested in the property attached in I.A.No.1068 of 2013 therein. So they are not entitled to be impleaded as parties in O.S.No.244 of 2013.

10. Therefore, I do not find any merit in the Revision and it is accordingly dismissed. No order as to costs.

11. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18.08.2015

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