

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.922 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents.

2. The petitioner herein is plaintiff in O.S.No.28 of 2009 on the file of the Court of the Junior Civil Judge, Kamalapuram (for short, trial Court). He filed the said suit for permanent injunction against the fifth respondent herein. In the said suit, after completion of evidence of the plaintiff, respondents 1 to 4 herein filed I.A.No.104 of 2014 seeking their impleadment in the suit as defendants 2 to 5. The trial Court, by its order dated 31.01.2015, allowed the said application, challenging which, the present Civil Revision Petition is filed.

3. In the affidavit filed in support of the application, respondents 1 to 4 herein stated that they are having a share in the scheduled property, and in case a decree is passed in the suit for permanent injunction, they have to file another suit against the petitioner herein. A counter-affidavit is filed by the petitioner herein denying the title of respondents 1 to 4 and also stating that since this is a suit for permanent injunction, it can operate only against the persons alleged to have been interfering and they are not necessary parties to the suit.

4. The learned counsel for respondents 1 to 4 submitted that the land in respect of which the permanent injunction is sought is a vacant land, and since respondents 1 to 4 are claiming title, they are necessary parties to the suit.

5. The trial Court passed a detailed order and opined that respondents 1 to 4 herein are *prima facie* having a direct right in the suit property and their presence is necessary for avoiding multiplicity of litigation. Though in a suit for permanent injunction they are not necessary parties, they

can be called as proper parties and the case of the plaintiff is no way prejudiced by their presence. I see no ground to interfere with the order of the trial Court.

6. Therefore, the Civil Revision Petition is dismissed. It is needles to observe that the impleaded defendants are entitled to file a written statement, for which, the plaintiff can file a rejoinder. The trial Court shall complete the entire process within three months from the date of receipt of a copy of this order. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 11.12.2015
TJMR