

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**  
**CIVIL REVISION PETITION NO.2123 OF 2015**

**ORDER:**

This revision is preferred by the plaintiffs in the suit O.S.No.281 of 2011 against the order passed on 31.07.2014 in I.A.No.2251 of 2011 moved by the 1<sup>st</sup> respondent herein under Order 1 Rule 10 C.P.C. seeking impleadment to the suit as defendant No.9.

The plaintiff Nos.1 to 6 have instituted the suit seeking partition of the suit 'A' schedule property into '12' parts and to grant 1/12<sup>th</sup> share thereof to each of the plaintiffs. In so far as the suit 'B' schedule property is concerned, since the same has been already sold away through a registered document

on 18.08.2003 executed by the 7<sup>th</sup> defendant in favour of the 8<sup>th</sup> defendant, is prayed to be declared as null and void and not binding on the plaintiffs. It is relevant to notice that plaint 'A' schedule property is described as agricultural land of an extent of Ac.1.37 Guntas in Survey No.40, Ac.2.10 Guntas in Survey No.41, Ac.3.25 Guntas in Survey No.50 and Ac.1.10 Guntas in Survey No.51 of Neknampura Village, Rajendernagar Mandal, Ranga Reddy District. The 1<sup>st</sup> respondent – petitioner in I.A.No.2251 of 2011, in the affidavit filed in support thereof, has clearly asserted that he has filed a suit for injunction, O.S.No.648 of 2009 against one Smt.Laxmi Bai and others before the II Additional District Judge, Ranga Reddy District in respect of an agricultural land and the farm house lying in Ac.4.21 Guntas of land lying in Survey No.40/A, 50/A and 51/A of Neknampura Village and that Smt.Laxmi Bai and 4 others filed the suit for partition against the petitioner in I.A.No.2251 of 2011 - defendant No.4 and 16 others seeking partition and separate

possession of agricultural land admeasuring Ac.9.02 Guntas lying in Survey Nos.40, 41, 50 and 51 of Neknampura Village and now both those suits are clubbed together and are sought to be tried and he is trying to protect his interest as the owner and possessor of the agricultural land of extent of Ac.4.21 guntas together with the farm house constructed therein and since the present suit is a collusive affair between the plaintiffs and the said Smt.Laxmi Bai and the 4<sup>th</sup> defendant in the suit herein and with a view to protect his own interest with reference to agricultural land referred to supra, he filed the application seeking impleadment as defendant No.9 in the suit.

The learned XI Additional District and Sessions Judge, Ranga Reddy District after considering the facts set out supra thought it appropriate to implead the 1<sup>st</sup> respondent herein as he is a necessary and proper party and the objections of the plaintiffs in the suit are not tenable.

Wherever a suit is to be comprehensively tried and decided, it would be appropriate that all parties should be brought on record. The proposed defendant No.9, the 1<sup>st</sup> respondent herein seeks impleadment in the suit with a view to demonstrate that to the extent of land owned and held by him in some of the survey numbers of Neknampura Village, which are commonly described in plaint 'A' schedule. The attempt made by the 1<sup>st</sup> respondent cannot be described otherwise than as a proper attempt to safeguard his own properties and his own interests. No prejudice is caused to the petitioners by the impleadment of the defendant No.9 to the suit and it would be for the defendant No.9 to demonstrate that he has a valid and subsisting interest in the plaint schedule properties. If he fails to demonstrate any such thing, the case of the petitioners will not suffer

in any manner. On the other hand, if he is able to demonstrate with relevant evidence about his subsisting interest in the plaint schedule properties, the Court will be able to decide the issue comprehensively between both sets of parties before it.

Hence, I do not find any infirmity in the order passed by the learned XI Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar in ordering I.A.No.2251 of 2011 in O.S.No.281 of 2011 and impleading 1<sup>st</sup> respondent herein as defendant No.9 to the suit. Hence, this revision is dismissed. No costs.

The miscellaneous applications, if any shall also stand dismissed.

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**JUSTICE NOOTY RAMAMOHANA RAO**

25.06.2015

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