

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.1317 of 2014

ORDER:

The defendant No.3 in the suit is the petitioner in this revision. The revision is directed against an order passed on 07.04.2014 by the I Additional Senior Civil Judge, Rajahmundry in I.A.No.252 of 2014 in O.S.No.48 of 2008. The 1st respondent herein is the plaintiff. He moved I.A.No.252 of 2014 under Order 1 Rule 10 seeking impleadment of his son viz. Bhavani Sankar Vyas as 2nd plaintiff to the suit and consequently to permit him to amend the plaint.

The civil suit is filed for the eviction of the defendant from the schedule property. In the meantime, the eldest son of the plaintiff appears to have filed Civil Suit O.S.No.4 of 2002 seeking partition of the joint family properties, in which preliminary decree was passed by the V Additional District Judge, Rajahmundry and a final decree application for separate possession by meets and bounds was also taken out and the enquiry was going on. However, the plaintiff has pointed out that he and his sons have partitioned the joint family properties on 25.08.2011 by way of registered partition deed and in that partition the plaint schedule property has fallen to the share of his youngest son by name Sri Bhavani Sankar Vyas. Therefore, the plaintiff/petitioner in I.A.No.252 of 2014 propose to bring the said Sri Bhavani Sankar Vyas as the 2nd plaintiff to the suit. That application has been ordered.

It is against that order the present revision is filed.

Whether the suit schedule property is a joint family property and as to whether it is liable to be divided and partitioned amongst the coparceners or not, are not the questions which are not available for

debating or adjudication at the hands of the petitioner herein, who is a sub-tenant of the leased out suit schedule property.

I, therefore, do not find any meaningful and sustainable objection for the sub-tenant to urge that the youngest son of the original plaintiff cannot be brought on record. As it is the original plaintiff is stated to be 90 years old person, it is, therefore, obvious that this revision is preferred only to prevent the civil suit from getting decided and adjudicated quickly. No right of the revision petitioner herein to contest the main suit is adversely affected in any manner by the impleadment ordered. No new obligations are thrust on the plaintiff or on the revision petitioner either. Therefore, the revision stands dismissed. The trial Court is directed to try the civil suit as expeditiously as possible preferably within three (3) months from the date of receipt of a copy of this order.

The revision is, accordingly, dismissed. No order as to costs.

The miscellaneous petitions, if any pending in this revision, shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

Date: 04-03-2015

Ksp