

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA

PRADESH

CIVIL REVISION PETITION Nos.1493 of 2015

&

1494 of 2015

Between:

Ms.Nadella Estates Ltd., Hyderabad represented by its
MD.N.Vijaya Bhaskar Choudary.

..Petitioner.

And:

Prema Ravindranath and others.

..Respondents.

JUDGMENT PRONOUNCED ON : 21st August, 2015

HONOURABLE SRI JUSTICE : S.RAVI KUMAR

1. Whether Reporters of Local :
newspapers may be allowed to
see the Judgments?

2. Whether the copies of judgment
may: be marked to Law
Reporters/Journals

3. Whether their Ladyship/Lordship:
wish to see the fair copy of the
Judgment?

HONOURABLE SRI JUSTICE S.RAVI KUMAR
CIVIL REVISION PETITION Nos.1493 of 2015

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Dated 21st August, 2015

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COMMON ORDER:

These two revisions are preferred challenging the orders dated 19-1-2015 in I.A.No.1292 of 2008 in O.S.No.209 of 2005 and I.A.No.1290 of 2008 in O.S.No.177 of 2007. All the respondents herein approached the trial court invoking the provisions of Order 1 Rule 10 C.P.C. to implead them as defendants 4 to 301 in the suit on the ground that they have purchased part of the suit schedule property in both the suits by way of registered sale deeds and the trial court on considering the material on record including copies of sale deeds which are marked as Exs.P.1 to P.298 allowed the application impleading them as defendants 4 to 301 in both the suits. Challenging the said orders, plaintiffs preferred the present revisions.

Heard both sides.

Advocate for revision petitioners submitted that court below failed to notice that it is for the plaintiffs to decide against whom they require relief and it is not for the defendants to dictate the plaintiff to amend the prayer. It is further submitted that when the suit is filed for permanent injunction, it is for the plaintiffs to show that they have got valid title and possession and interference by the defendants

and plaintiffs alleged that defendants 1 to 3 are interfering and therefore presence of petitioners is no way necessary for deciding the issues involved in the suits.

On the other hand, advocate for proposed parties contended that the property purchased by them is the subject matter in the suit and when the plaintiff is claiming relief in respect of property on which proposed properties claimed right and title, their presence is very much necessary and all the objections taken by the plaintiffs is a matter to be considered in the suit and the trial court rightly permitted the proposed parties to come on record and there is no illegality or irregularity in the orders of the trial court.

Now the point that would arise for my consideration in both the revisions is whether the order of the court below is legal, correct and proper?

POINT:

I have perused the material papers including the impugned order dated 19-1-2015. The total property covered by these two suits is 16.6 guntas and 6.32 guntas in S.No.175 situated at Pallaru village, Ramachandrapuram Mandalam. The proposed parties contended that they have purchased very same property under individual sale deeds of different extents and to safeguard their interest in the property, their presence is necessary at the time of deciding the issues concerning schedule property between the plaintiffs and defendants 1 to 3.

At the time of arguments, both sides agree that so far as proposed parties 4 to 16 in O.S.No.209/05 and proposed parties 5 to 17 in O.S.No.177 of 2007, there is no documentary evidence to show their title and claim over the suit schedule property and the order of the trial court to the extent of these petitioners is not correct and to be modified.

As rightly pointed out by both counsel for parties, the objections of the proposed parties with regard to claim over the suit property on the basis of sale deeds is a matter of evidence which has to be considered by the trial court and at this stage what is to be seen is whether the proposed parties have got any prima facie interest in the schedule property

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Dvs