

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.3677 of 2015

ORDER:

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This civil revision petition under Article 227 of the Constitution arises out of the order dated 09.07.2015 passed by the learned Principal Senior Civil Judge, Narsapuram, in I.A.No.210 of 2011 in O.S.No.27 of 1995. The said I.A. was filed by the plaintiffs in the suit under

Order I Rule 10(2) C.P.C. to implead one Polinati Peda Satyam, one Polinati China Satyam, sons of Polinati Ramaraju, and their legal representatives as defendants 5 to 15 in the suit. By the order under revision, the trial Court allowed the I.A. and permitted the impleadment. Aggrieved thereby, the second defendant in the suit filed this civil revision petition.

Sri A. Rajendra Babu, learned counsel for the petitioner-second defendant, contended that the issue of the sale of Ac.1.00 cents in item No.3 of the suit schedule property by the first defendant during her lifetime had been raised in the written statement and therefore it is not open to the plaintiffs to assail the said sale which dates back to the year 1986. He would contend that a challenge to this sale transaction would not be maintainable as it is barred by the law of limitation.

As rightly pointed out by the trial Court, the issue as to the limitation aspect could not have been considered at this stage when the parties were merely being impleaded. This Court is therefore of the opinion that it is premature for either party to the suit to invite any observations from this Court at this stage as the trial Court necessarily has to address the issue after leading of evidence in terms of the remand by this Court under judgment dated 23.08.2010 in A.S.No.2040 of 2001.

The civil revision petition is accordingly dismissed. However, all issues are left open and it shall be open to the parties to raise the same before the trial Court.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

12th October, 2015

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