

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.4544 of 2014

ORDER:

Heard Sri K.Venumadhav, learned counsel for the petitioners, Sri N.Subba Rao, learned counsel for 1st respondent and Sri K.Govind Reddy, learned counsel for 2nd respondent.

2. This Revision Petition is filed challenging the order dt.26-09-2014 in I.A.No.463 of 2014 in O.S.No.3 of 2013 of the II Additional District Judge, Karimnagar at Jagtial.
3. Petitioners herein are third parties to the suit. The 1st respondent filed the said suit for specific performance of an agreement of sale against 2nd respondent in respect of the plaint schedule property mentioned in the plaint schedule.
4. The petitioners have purchased portions of the plaint schedule property after the filing of the suit from the 2nd respondent under registered sale deeds.
5. Therefore, 1st respondent filed I.A.No.463 of 2014 to implead the petitioners herein as defendant Nos.2 and 3 in the suit. It was contended that this alienation was made in violation of an interim injunction granted in favour of the 1st respondent and against the 2nd respondent restraining the 2nd respondent from alienating the suit schedule property. In the same application, the petitioner not only sought for impleadment of the petitioners but also mentioned the consequential amendments in the plaint as against the petitioners.
6. This application was opposed by the petitioners. While

admitting that they purchased portions of the plaint schedule properties after filing of the suit from 1st respondent, they took a plea that there is a prior agreement of sale in their favour executed by 2nd respondent. It was also contended that they are *bona fide* purchasers and that they are not necessary parties to the suit.

7. By order dt.26-09-2014, the Court below allowed the said I.A. The Court below also held that the transaction between the petitioners and 2nd respondent is an event which took place pending suit and although it is *lis pendens*, it is necessary to implead the petitioners for an effective adjudication in the suit. It also permitted consequential amendments to be made in the plaint, as sought by the petitioner.
8. Challenging the same, this Revision Petition is filed.
9. Though the learned counsel for the petitioners sought to contend that the petitioners are not necessary parties to the suit, having regard to the fact that the sale deeds in their favour have been executed by 2nd respondent after filing of the suit by 1st respondent and since 1st respondent is alleging that these transactions have been entered into in violation of the interim injunction orders granted by the Court below restraining alienation, I am of the opinion that the petitioners are necessary parties to the suit and that in fact, it is in the interest of the petitioners to contest the suit and defend their purchases. If the petitioners are not impleaded, their interest would be seriously affected, if the suits were to be decreed.
10. Learned counsel for the petitioners raised another

contention to the effect that consequential amendments to the plaint could not have been claimed in the same I.A.No.463 of 2014 and it was necessary for the 1st respondent to file separate application for the same.

11. This is merely a technical objection and while a separate application undoubtedly may be filed by 1st respondent seeking consequential amendments in the plaint, the mere fact that they have been prayed for in I.A.No.463 of 2014 cannot be a ground not to allow it. Since all procedure is a hand maid of justice, once it is held that the petitioners are necessary parties to the suit, transactions of purchase entered into by them would undoubtedly be subject to the result in the suit and the 1st respondent is within his rights to also challenge them by seeking consequential amendments.

12. In this view of the matter, I do not find any merit in the Civil Revision Petition and the same is accordingly dismissed. No costs.

13. As a sequel, the miscellaneous petitions pending, if any, shall stands closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29-10-2015

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