

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.979 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner, who is a 3rd party to the suit, aggrieved by the order and decree dated 24.10.2014 in I.A.No.697 of 2014 in O.S.No.1335 of 2012 passed by the VI Additional Senior Civil Judge, Vijayawada, Krishna District, dismissing the application filed by him under Order 1, Rule 10 and Section 151 of C.P.C., seeking to implead him as 2nd defendant and permit him to contest the suit proceedings.

2. The 1st respondent/plaintiff filed the aforesaid suit against the 2nd respondent/defendant seeking eviction from the plaint schedule property. In the said suit, the petitioner/3rd party to the suit, filed I.A.No.697 of 2014 seeking to implead him as defendant No.2, claiming to have acquired interest over the plaint schedule property. The said application was resisted by the 1st respondent/plaintiff by filing counter affidavit. The Court below, after considering the material and the evidence on record, dismissed the said application through the impugned order dated 24.10.2014. Hence, the present civil revision petition.

3. Sri P. Narasimha Rao, learned counsel for the

petitioner, contended that as the petitioner has acquired interest over the plaint schedule property by way of an agreement of sale, he is a proper and necessary party and hence he is entitled to be impleaded as defendant No.2 in the suit. It is further contended that the petitioner has also filed another suit being O.S.No.349 of 2013 for specific performance of the agreement of sale and the same is pending.

4. Heard learned counsel for the petitioner and perused the impugned order.

5. In a suit for eviction, under Order 1, Rule 10 of C.P.C., a 3rd party can also be impleaded as a defendant, whose presence is necessary in order to enable the Court to effectively and completely adjudicate the issue involved in the suit. Whether the petitioner has acquired any interest over the plaint schedule property or not is an issue, which is beyond the scope of the suit itself. In that view of the matter, it cannot be said that the petitioner is neither necessary nor proper party to the suit O.S.No.1335 of 2012. In view of the reasons assigned by the Court below, I do not find any merit in this revision, warranting interference under Article 227 of the Constitution of India.

6. Accordingly, this civil revision petition is dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
20.03.2015.
Msr

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