

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.997 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents.

2. The petitioner herein is defendant in O.S.No.336 of 2010 on the file of the Court of the Additional Senior Civil Judge, Anantapur (for short, trial Court). The first respondent herein filed the said suit for recovery of money on the basis of receipts dated 15.11.2008 and 16.11.2008. The petitioner, after filing the written statement, filed I.A.No.398 of 2012 seeking impleadment of the second respondent herein as the second defendant in the suit on the ground that the second respondent worked as a Manager of the petitioner company and collected an amount of Rs.2 lakhs on 15.11.2008 and another Rs.2 lakhs on 16.11.2008 from the first respondent and promised him to allot a chit without crediting the said amount to the account of the petitioner. Later on, he was removed from the service of the petitioner. In those circumstances, the petitioner sought to implead the second respondent as a party to the suit. A counter-affidavit was filed by the first respondent stating that the second respondent was competent to receive the amount at the relevant point of time.

3. The trial Court, by docket order dated 07.11.2014, dismissed the said application on the ground that the transaction alleged by the petitioner is in between the petitioner and the proposed party, but the first respondent has nothing to do with the same. It is also stated that the presence of the second respondent can be secured by other means, but not by impleading him as a party to the proceedings.

4. In view of the impugned order passed by the trial Court, with which I concur, the Civil Revision Petition is liable to be dismissed and is, accordingly,

dismissed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 01.12.2015

TJMR