

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION Nos.3469 & 3470 of 2015

COMMON ORDER:

These Civil Revision Petitions, under Article 227 of the Constitution of India, are filed by the plaintiff in O.S.No.875 of 2015 aggrieved by the common order dated 23.07.2015 passed in I.A.Nos.438 and 439 of 2015, respectively, by the VI Junior Civil Judge, City Civil Court, Hyderabad, as such, they are heard together and disposed of by this common order.

The petitioner herein filed the aforesaid suit against the 2nd respondent herein, i.e. GHMC, for perpetual injunction restraining it, its employees, subordinates, workmen or any other person or persons claiming through or acting under it from interfering with construction work or demolition of any part of the suit schedule property. The suit schedule property is shown as house property covered by premises bearing H.No.14-1-126/5 and 14-1-1126/A/3, constructed in an area of 116.47 square meters, situated at Seetarampet, Hyderabad. During pendency of suit, he filed I.A.No.272 of 2015 for grant of temporary injunction.

In the suit, the 1st respondent herein filed I.A.Nos.438 and 439 of 2015, to implead him as party-defendant and respondent in the suit and I.A. The said I.As., are ordered by the impugned common order.

It is submitted by the learned counsel for the petitioner that as much as the suit is for injunction simplicitor, the 1st respondent herein is neither necessary nor proper party; in spite of the same, the trial court has erroneously allowed the I.As., filed by the 1st respondent for his impleadment.

Having heard the learned counsel for the petitioner, I have perused copy of the plaint filed in O.S.No.875 of 2015 and also copy of the plaint in O.S.No.686 of 2010 which is pending on the file of the II Additional Chief Judge, City Civil Court, Hyderabad.

It is to be noted that a suit is pending for partition between the same parties vide O.S.No.686 of 2010 and it is not in dispute that the suit schedule property in O.S.No.875 of 2015 is one of the items in the schedule mentioned in O.S.No.686 of 2010. It is the case of the 1st respondent herein that petitioner has filed O.S.No.875 of 2015 suppressing the material facts and to make unauthorised constructions in one of the items of the schedule property. It is also pleaded that constructions which are being made by the petitioner are illegal and in spite of bringing the same to the notice of the 2nd respondent herein, no steps are being taken. It is true that O.S.No.875 of 2015 is for injunction simplicitor, but when it is pleaded that petitioner has no authority to make constructions in the suit schedule property in O.S.No.875 of 2015 which is one of the items in O.S.No.786 of 2010 on the file of the II Additional Chief Judge, City Civil Court, Hyderabad, this Court is of the view that the trial court has rightly allowed the I.As., filed by the 1st respondent herein and no case is made out for interference under Article 227 of the Constitution of India.

Civil Revision Petitions are accordingly dismissed. No order as to costs.

As a sequel, miscellaneous petitions if any pending in the C.R.Ps., stand closed.

R. SUBHASH REDDY, J

28th August 2015
MRR