

THE HON'BLE SRI JUSTICE K.C. BHANU

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CIVIL REVISION PETITION No.841 OF 2015

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India is directed against the Order and decree, dated 27.06.2014, in Interlocutory Application No.185 of 2014 in Original Suit No.176 of 2010 passed by the Principal Junior Civil Judge, Gurazala.

2. The aforesaid Interlocutory Application was filed under Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC') to add the mother of original borrower late Irugula Sambhi Reddy by name Irugula Amaramma as defendant No.4 and the same was allowed.

3. Learned counsel for the revision petitioner contended that the mother of the original borrower is not living in the joint family and therefore, she would not come under the purview of legal representative and she is not concerned with the suit transaction and therefore, he prays to set aside the impugned order.

4. Order I Rule 10(2) CPC enables the Court to strike out the name of any party improperly joined or to add any person as a party who ought to have been joined either as plaintiff or defendant. The power to add parties can be exercised by the Court at any stage of the proceedings either on an application by any party or *suo motu*. The object of enacting this provision is to bring before the Court, at one and the same time, all the persons interested in the dispute so that all the controversies in the suit may be finally determined once and for all in the presence of all the parties without any delay, inconvenience and expenses of several actions, trials and inconclusive adjudication. The

power to add a party under this provision can be exercised on either of the following two grounds viz., a) such person ought to have been joined, either as a plaintiff or as a defendant, but is not so joined; or b) without his presence, the question involved in the suit cannot be decided finally and effectively.

5. The original borrower Irugula Sambhi Reddy said to have borrowed a sum of Rs.50,000/- from the plaintiff on 27.12.2008 for his family expenses agreeing to repay the same with interest at 24% per annum and executed the suit promissory note. He did not discharge the debt amount and he died intestate leaving behind his mother, wife and children. The wife and children were already impleaded as defendants. Mother had not been impleaded. Subsequently, the present application was filed to implead the mother of the original borrower Irugula Sambhi Reddy by name Irugula Amaramma as party defendant. Since the mother is a class-I legal heir, she has to be impleaded as a defendant. The trial Court after considering the same, rightly allowed the application and that order needs no interference by this Court. The Civil Revision Petition is devoid of merit and the same is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE K.C. BHANU

Date:02.04.2015

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