

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.473 of 2015

ORDER:

This revision is preferred against order dated 12.03.2014 in I.A.No.449 of 2013 in O.S.No.36 of 2013 of V Additional District Judge, Medak at Sangareddy.

2. Revision petitioner herein filed a petition under Order I Rule

10 (1) C.P.C. in the above referred suit O.S.No.36 of 2013 seeking permission to implead him as plaintiff No.2 to the suit filed by 1st respondent herein.

3. Heard arguments.

4. As seen from the material papers, 1st respondent herein filed O.S.No.36 of 2013 for recovery of money against 2nd respondent herein on the basis of a development agreement dated 20.01.2008. Revision petitioner herein contends that there is a partnership agreement between himself and plaintiff in the said suit, according to which, he has got a major share, therefore, he is a proper and necessary party. The trial Court held that revision petitioner already filed O.S.No.156 of 2013 in respect of same development agreement and obtained some orders and that the claim of revision petitioner is based on an unregistered partnership deed, which is not admissible and holding so, dismissed the petition. Questioning the same, present revision is referred.

5. On a scrutiny of the material, I am of the view that there is no illegality in the order of the trial Court and there is no jurisdictional error committed by the trial Court. Even if the contentions of revision petitioner are true and correct, his remedy is to file appropriate suit against plaintiff in O.S.No.36 of 2013 for appropriate relief, but he cannot come on record as co-plaintiff in a suit filed by 1st respondent herein.

6. For these reasons, revision is dismissed at admission stage. No costs.

7. Miscellaneous Petitions, if any, shall stand dismissed.

S. RAVI KUMAR, J

19th February 2015.

mar