

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

C.R.P. No.3243 of 2015

Between:

Gunturu Bramhaiah

... Petitioner

And

Pinnika Venkata Lakshmi Priya and another

... Respondents

JUDGMENT PRONOUNCED ON : 14.08.2015

THE HON'BLE SRI JUSTICE : G.CHANDRAIAH

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P. No.3243 of 2015

ORDER:

This revision petition has been filed aggrieved by the order dated 21.07.2015 passed in I.A. No.158 of 2015 in O.S. No.112 of 2012 on the file of the VI Additional Junior Civil Judge at Vijayawada.

The revision petitioner and the respondents herein are the defendant and the plaintiffs, respectively, in O.S. No.112 of 2012.

I.A. No.158 of 2015 was filed by the plaintiffs Under Order I Rule 10 and Order VI Rule 17 read with Section 151 CPC to permit the 1st respondent herein to add as a party to the main suit as the 2nd plaintiff and carry out the amendment of the plaint. The said application was allowed by the Court below vide its order dated 21.07.2015. Assailing the same, the revision petitioner/defendant filed the present revision petition.

Brief facts of the case are that the suit was filed for eviction of the defendant from the plaint schedule property and for recovery of damages. Originally, the plaint schedule property belongs to the mother of the 1st respondent and the wife of the 2nd respondent herein and she died intestate leaving behind her the respondents as her legal heirs. The 1st respondent, who is minor daughter of the 2nd respondent, was not arrayed as one of the plaintiffs to the main suit and it is the objection taken by the defendant during the cross examination of P.W.1 and the main suit is coming for arguments and at that juncture, the respondents have come forward with the said application that was allowed impleading the proposed party as the 2nd plaintiff to the main suit to adjudicate the matter properly by the Court below.

The learned counsel for the revision petitioner submitted that the said application was filed at belated stage when the case is posted for arguments and the said application was filed only with an intention to drag on the proceedings. The Court below instead of dismissing the said application allowed the same erroneously without considering the submissions of the defendant in proper perspective. Therefore, the impugned order is liable to be set aside.

Heard the learned counsel for the revision petitioner and perused the material on record.

Admittedly, originally the property in question was belongs to the mother of the proposed respondent and the wife of the 2nd respondent herein, and she died leaving behind her the respondents as her legal heirs. Since the minor daughter, who is the first respondent herein, was not added to the suit, the revision petitioner himself had taken objection during the cross examination of P.W.1. Though the revision petitioner contention was that ignorance of law is no excuse it is who the revision petitioner himself had taken the objection that the suit is bad for non joinder of necessary parties and at that stage, the respondents filed the said application and on considering the same, the Court below allowed the same on the ground to avoid further litigation with an observation that as per the contentions of both the parties, the respondent/defendant, who is revision petitioner herein, wanted to create litigation and dodge the matter and squat on the property without disposing of the main suit cannot be entertained. At this juncture, it is to be noted that by allowing the said application, if any damage is going to be caused to the case of the revision petitioner that would be the different circumstance but in the instance case, no such damage would be caused to the case of the revision petitioner by allowing the proposed minor party to come on record more so, can be avoided further multiple litigation.

In that view of the matter, I am of the view that the Court below did not commit any error in passing the impugned order and it does not suffer from any legal infirmity. Therefore, this revision petition is liable to be dismissed.

Accordingly, this revision petition is dismissed.

As a sequel, miscellaneous petitions, if any, stands closed.

There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 14.08.2015

LSK

