

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

Civil Revision Petition No.2200 of 2015

Between:

Jalluri Venkata Rao

... Petitioner

And

Jalluri Satyanarayana

...Respondent

DATE OF JUDGMENT PRONOUNCED: 07-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE R. KANTHA RAO

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| 1 | <u>Whether Reporters of Local newspapers may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
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| 2 | <u>Whether the copies of judgment may be marked to Law Reports/Journals</u> | <u>Yes/No</u> |
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| 3 | <u>Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

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THE HON'BLE SRI JUSTICE R.KANTHA RAO

Civil Revision Petition No.2200 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner/defendant and the learned counsel appearing for the respondent/plaintiff.

2. The petitioner is the defendant in the suit. The suit is filed by the respondent against the petitioner who is his brother. The respondent specifically claimed in the plaint that though there are sisters, they were given sufficient amount at the time of their marriage, they are not claiming any shares and therefore, they were not added as parties to the suit. The suit went on for trial. At the time of submitting the arguments, the petitioner contended that as the sisters were not made as parties to the suit, the suit is bad for non-joinder of necessary parties and therefore, it is liable to be dismissed. On that, the respondent herein filed I.A.No. 1186 of 2014 to implead the sisters as defendants in the suit. The said petition is allowed. Against the order allowing the petition to implead the sisters as defendants, the present revision is filed.

3. Since the petitioner took an objection during the course of arguments that the suit is bad for non-joinder of necessary parties i.e. for not adding the sisters as defendants, the respondent has rightly filed an application to add them as parties.

4. Now it is not open for the petitioner to contend that the sisters at a belated stage cannot come on record as defendants in the suit. Moreover, in a suit for partition, all the sharers are necessary parties. Hence, I absolutely see no merit in the present petition and it is liable to be dismissed.

5. Accordingly, the civil revision petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, filed in this revision shall stand closed.

R.KANTHA RAO, J

Date:07.08.2015
Ccm

THE HON’BLE SRI JUSTICE R.KANTHA RAO

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