

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2185 of 2015

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ORDER :

This civil revision petition is filed aggrieved by the order dated 09.04.2015, passed by the II-Senior Civil Judge, City Civil Court, Hyderabad, in I.A.No.12 of 2013 in O.S.No.1083 of 2013, dismissing the said petition filed by the petitioner herein to implead him as defendant No.2 in the suit.

2. The suit in O.S.No.1083 of 2013 is filed by respondents 1 and 2 herein, against respondent No.3, who is the lessee pursuant to lease deed for leasing of suit schedule property commencing from 01.04.2012. In earlier lease, the 3rd respondent is represented by the Managing Director, but the latest lease deed which is acted upon and commenced from 01.04.2012, is entered between respondents 1 and 2/plaintiffs and the 3rd respondent/defendant, which is a proprietary concern represented by one Sri Ch. Naga Venkata Kiran.

3. In this revision petition, it is contended by the learned counsel for petitioner that the petitioner/proposed defendant No.2 is also a partner in the 3rd respondent-Firm, as such, he is entitled to come on record. It is to be noticed that petition for impleadment is not filed by any individual, but, it is filed by Data Ware Housing Technologies, represented by its partner. The said Firm i.e. Data Ware Housing Technologies is a lessee as per the latest lease deed, the lease of which was commenced on 01.04.2012. In that view of the matter, contrary to the recitals in the lease deed which is in force from 01.04.2012, petitioner, claiming as a partner of the said Firm, is neither necessary nor proper party for adjudication of the issues

which are subject matter of suit in O.S.No.1083 of 2013. Further, it is also not in dispute that the petitioner, claiming his rights, has already filed a separate suit for rendition of accounts of the partnership Firm. In that view of the matter, I do not find any illegality in the impugned order, so as to interfere with the same.

4. The revision is accordingly dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

16th June 2015

ajr