

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.2678 of 2013

Date: 11-12-2015

Between:

Mannepalli Veera Raghavaiah

.... Petitioner

AND

Mannepalli Musalaiah and 3 others

.... Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.2678 of 2013

ORDER:

The petitioner is the plaintiff in O.S.No.311 of 2012 on the file of I Additional Junior Civil Judge, Nellore. In the said suit, the petitioner herein filed I.A.No.977 of 2012 seeking impleadment of respondents 2 to 4 as defendants 2 to 4 and the said application was dismissed by order dated 25-03-2013, challenging which the present Civil Revision Petition is filed.

The case of the petitioner is that himself and the 1st respondent herein are natural brothers. The 1st respondent purchased the land admeasuring Ac.2.65 cents in Survey No.102 in Patta No.172 of Koru wet land situated in Chenthareddypalem village of Nellore Rural Mandal under possessory sale agreement dated 01-01-1985 from the 2nd respondent herein. Subsequently, the 1st respondent sold Ac.1.00 cents of land out of Ac.2.65 cents of land to the petitioner on 02-11-1997. He further states that he

shifted his family to Nellore and leased out the plaint schedule land to Nagulapati Vani and her brother, the respondents 3 and 4. In those circumstances, he sought for impleadment of respondents 2 to 4.

A counter was filed by the proposed 2nd defendant admitting the lease of the land in favour of the respondents 3 and 4 in respect of the land admeasuring Ac.1.65 cents and Ac.1.00 cents respectively. She denied the collusion of the respondents 3 and 4 with the 1st respondent and also stated that she did not execute any registered sale deed in favour of the 1st respondent. She expressed her readiness and willingness to execute a registered sale deed in favour of the plaintiff regarding the plaint schedule property of Ac.1.00 of land if he bears the stamp duty and registration expenses.

The Court below dismissed the application filed by the petitioner herein on the ground that the respondents 2 to 4 were not parties to the agreement of sale dated 02-11-1997 and also recorded that the petitioner can obtain the relief in the suit from the 2nd defendant though in this suit the 1st respondent reported no counter and the 2nd respondent reported no objection. In the circumstances, the impugned order dated 25-03-2013 passed by the I Additional Junior Civil Judge, Nellore in I.A.No.977 of 2012 in O.S.No.311 of 2012 is modified by ordering impleadment of the 2nd respondent herein as the 2nd defendant in the suit and the application of the petitioner in respect of respondents 3 and 4 is dismissed.

The Civil Revision Petition is partly allowed. No costs. As a

sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 10-12-2015

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