

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.367 of 2015

ORDER:

This Civil Revision Petition is filed challenging the Order dt.30-10-2014 in I.A.No.197 of 2014 in O.S.No.59 of 2013 of the Junior Civil Judge, Rajampet.

2. The petitioner herein is the defendant in the suit. Suit was filed by the daughter of one Nagireddy by name M.Chengamma against the petitioner herein for specific performance of agreement of sale dt.24-06-1995 allegedly executed by petitioner in favour of Nagi Reddy. Written Statement was filed opposing to grant of such relief to the plaintiff.
3. I.A.No.197 of 2014 was filed therein by the sister of Chengamma and another daughter of Nagi Reddy to implead her under Order I Rule 10 (2) CPC contending that she is also a legal representative of the deceased father of Nagi Reddy; that she had been in Kuwait since 10 years and coming over to India frequently; that she came to know that Chengamma, who is her sister, had filed a suit against the petitioner for specific performance of agreement of sale executed by the petitioner in favour of their father Nagi Reddy; and since at the time of filing of the suit she was in Kuwait, she was not shown as party; that she has interest in the property and therefore she should be impleaded.
4. Counter was filed by the petitioner opposing the addition of the respondent as a party to the suit, contending that the plaintiff Chengamma has not sought to implead her as a party and therefore, it is not open to the respondents to file such an

application and she has to work out her remedies in a different manner by separately agitating her right. It was further contended that the respondent had not impleaded Chengamma, the sole plaintiff who instituted the suit against this respondent in this application and on this ground also the present application should be rejected.

5. The Court below allowed the said application on the ground that the learned counsel for the respondent herein, who was the petitioner in the said I.A., was also the counsel for the plaintiff Chengamma and therefore plea that without notice to Chengamma, the respondent is trying to get the impleaded 2nd plaintiff cannot be accepted. A further contention was raised by the counsel for the petitioner that the present suit itself is barred by limitation. But the trial Court was of the opinion that the said issue cannot be decided at the stage of impleadment of the respondent as 2nd plaintiff in the suit.
6. Challenging the same, this Civil Revision Petition is filed.
7. The learned counsel for the petitioner contended that without impleading the plaintiff Chengamma, the Court below ought not to have entertained and allowed the application filed by the respondent to implead herself as 2nd plaintiff in the suit. He also pleaded that the suit is barred by limitation.
8. It is not disputed by the learned counsel for the petitioner that the learned counsel for the plaintiff Chengamma as well as learned counsel for the respondent herein, who filed the said I.A., was one and the same. Therefore, it cannot be said that without notice to the plaintiff Chengamma, the respondent was

trying to get herself impleaded against 2nd plaintiff. In any event, the plaintiff Chengamma has not come before this Court urging that without her knowledge and consent, the respondent is being impleaded and that some prejudice is being caused to her. When such is not the case, it is not open to the petitioner to file the Revision Petition questioning the order of impleadment of the respondent as 2nd plaintiff in the suit, since it is not the petitioner who filed the suit and Chengamma, the plaintiff is the *dominus litis*.

9. In this view of the matter, I do not find any error in the order passed by the Court below. Accordingly, the Civil Revision Petition is dismissed. No costs.
10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19-03-2015

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