

**THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**  
**CIVIL REVISION PETITION Nos.1573 and 2623 of 2015**

**COMMON ORDER:**

Since both the Civil Revision Petitions arise out of the same Court and same suit, they are being disposed of by this common order after hearing both the counsel.

2. CRP.No.1573 of 2015 arises out of an order in I.A.No.328 of 2014 in O.S.No.39 of 2014 dated 19.01.2015, whereas CRP.No.2623 of 2015 arises out of an order in I.A.No.279 of 2014 of even date. Both the applications which were filed by the petitioners herein seeking their impleadment in O.S.No.39 of 2014 were dismissed by the Court of Senior Civil Judge at Shadnagar (for short, trial Court).

3. The case of the petitioners in both the Revisions is that they purchased different extent of lands in survey No.223 of Farooqnagar Village, Shadnagar Mandal, Mahabubnagar on 11.08.2000 and the sale deeds were executed by defendants 2 to 4 through their General Power of Attorney Holder, who is the second respondent herein. They claim that they are in possession of the said land. The first respondent filed a counter-affidavit before the trial Court stating that they are family members of the son-in-law of the second respondent. Earlier the first respondent filed I.A.No.138 of 2006 seeking permission of the Court to implead the purchasers including the petitioners, but the said application was dismissed on 05.03.2008. The present applications were dismissed on the ground that the earlier application was dismissed and the present applications were also liable to be dismissed.

4. The suit was filed by the first respondent for specific

performance of an agreement of sale dated 30.03.1995 in respect of the property of an extent of Acs.2-10 guntas in survey No.223 of Farooqnagar Village. The first respondent, who is the plaintiff, earlier filed I.A.No.138 of 2006 seeking impleadment of the petitioners and others and the said application was dismissed on 05.03.2008 on the ground that the said application was not filed within three years.

5. The learned counsel for the petitioners submits that since there is collusion between the first respondent and his vendors, who are defendants in the suit, it has become imperative on the part of the petitioners to come on record and contest the suit. He further submits that in identical circumstances, this Court in CRP.No.3185 of 2014, dated 10.04.2015, reviewing the case law on the subject, held that justice demands the application of the petitioners therein should be allowed on payment of costs of Rs.5,000/- to the plaintiff but with a condition that the petitioners therein cannot be permitted to take defences which are not available to their vendors as held by the Supreme Court in **Thomson Press (India) Ltd., V.Nanak Builders & Investors P. Ltd.**<sup>[1]</sup>.

6. It is submitted by the learned counsel for the first respondent that the suit is posted for arguments and the present petitions would delay further proceedings in the suit. The learned counsel for the petitioners undertakes to cooperate with the trial Court for early disposal of the suit.

7. In the present case also, the petitioners claimed to be the purchasers of the property involved in the suit and in view of the allegation of collusion between the plaintiff and the defendants, justice would be served if the applications of the petitioners are

allowed on payment of costs of Rs.5,000/- (rupees five thousands only) to the first respondent with a condition that the petitioners shall not raise any defences which are not available to their vendors.

8. In the circumstances, the trial Court is directed to give an opportunity to the petitioners in these Civil Revision Petitions to contest the suit on the defences available to their vendors and complete the same within a period of three months from the date of receipt of a copy of this order.

9. The Civil Revision Petitions are, accordingly, allowed to the extent indicated above. No order as to costs. Miscellaneous Petitions, if any, pending in these Civil Revision Petitions shall stand closed.

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**A. RAMALINGESWARA RAO, J**

Date: 13.07.2015

Note: Issue CC in one week.

B/o. TJMR

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[\[1\]](#) 2013 (3) ALD 111 (SC)