

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.3444 of 2015

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the plaintiff in O.S.No.194 of 2009 aggrieved by the order dated 15.06.2015 passed in I.A.No.4587 of 2014, by the I Additional Chief Judge, City Civil Court, Secunderabad.

The aforesaid suit is filed seeking mandatory injunction directing respondents-defendants 2 and 3 to release the machine - TATA HITACHI HYDRAULIC EXCAVATOR EX.200 LC LC BACKHOC ENGINE No.H/06-2498/1930, for grant of damages and for injunction restraining the defendants, their men, employees, agents, any person or persons claiming through or under them from alienating the said machine to any third parties.

In the suit, petitioner filed I.A.No.4587 of 2014 to implead the proposed respondents herein as party defendants 4 and 5. The proposed 4th respondent is State of Telangana, represented by its Principal Secretary, Home Department and proposed 5th respondent is Sub-Inspector of Police, who filed complaint in Cr.No.55 of 2010 on the file of the P.S., Vanasthalipuram. The said I.A., is dismissed by the impugned order. As against the same, this Civil Revision Petition is filed.

Heard the learned counsel for the petitioner and perused the material on record.

The petitioner-plaintiff has filed suit for mandatory injunction seeking directions against respondents-defendants 2 and 3 to release the machine - TATA HITACHI HYDRAULIC EXCAVATOR EX.200 LC LC BACKHOC ENGINE No.H/06-

2498/1930. On the complaint made by the proposed 5th respondent, a case is registered vide Cr.No.55 of 2010 on the file of the P.S., Vanasthalipuram. If such complaint is false, it is a different cause of action altogether and the same has nothing to do with the cause of action pleaded in O.S.No.194 of 2009. For resolution of the issues in the said suit, the proposed 4th and 5th respondents are neither necessary nor proper parties. In that view of the matter, the Court below has rightly dismissed the I.A., and therefore no interference is warranted in this petition under Article 227 of the Constitution of India.

Civil Revision Petition is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous petitions if any pending in the C.R.Ps., stand closed.

R. SUBHASH REDDY, J

28th August 2015
MRR