

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.843 of 2015

ORDER:

The petitioner herein is fifth defendant in O.S.No.283 of 2011 on the file of the Court of the Senior Civil Judge, Kadapa (for short, trial Court). The first respondent herein filed the said suit seeking partition of 12 items of properties shown in the plaint schedule. In the said suit, the first respondent filed I.A.No.149 of 2013 for deletion of item Nos.1 to 3 out of 12 items of properties on the ground that the purchasers of the said properties settled the matter. A counter-affidavit is filed by respondents 1 to 4 therein (respondents 2 to 5 herein) denying the settlement. The fifth respondent therein (petitioner herein) filed a separate counter-affidavit stating that so called purchasers, with whom settlement was made, were not made parties to the suit.

2. The trial Court, by its order dated 26.11.2014, allowed the said application permitting the deletion of items of 1 to 3 from the plaint schedule properties. Challenging the same, the present Civil Revision Petition is filed.

3. Admittedly, the petitioner herein is a purchaser. The claim of the respondents 1 to 4 therein is that the third respondent therein sold away items 1 to 6 to the petitioner herein, and out of the said items, item Nos.1 to 3 are sought to be deleted now. It is not known how the petitioner herein is affected by such deletion, as those items of property would go out of the purview of the Court, and if he merely purchased those items, they will not be subjected to further proceedings. This is not a suit for declaration, but only a suit for partition and it is not going to affect the rights of the petitioner.

4. In the circumstances, the order passed by the trial Court dated 26.11.2014 in I.A.No.149 of 2013 does not warrant any interference and accordingly the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous Petitions, if

any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 01.12.2015

TJMR