

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.4149 of 2015

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01.10.2015

Between:

Nalam Balagangadhara Tilak and others

...Petitioners

And

Nalam Venkata Srinivasa Moorthy and others

...Respondents

Counsel for the petitioners: Mr.S.Subba Reddy,

for Ms.Sindooru V.N.L.

Counsel for the respondents: --

The Court made the following:

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ORDER:

This civil revision petition arises out of order, dated 03.08.2015, in I.A.No.959 of 2011 in O.S.No.23 of 2004 on the file of learned Senior Civil Judge, Bapatla, whereby the lower Court has allowed the said I.A. filed by respondent No.1 for impleadment of respondent Nos.5 and 6 as defendant Nos.5 and 6 in the suit filed by the petitioners and respondent Nos.2 to 4.

At the hearing, Mr.S.Subba Reddy, learned counsel appearing for the petitioners, submitted that the lower Court has allowed the aforesaid I.A. filed by respondent No.1 without noticing the fact that the said I.A. was dismissed on 07.07.2015 for non-payment of batta for the proposed defendants. Though technically, the learned counsel for the petitioners is correct, the fact, however, remains that the suit filed by them being for partition of the family properties and the proposed defendants being their own sisters, it would be in their own interest, if they are made parties in the partition suit, so that, the plea of non-joinder of necessary parties that may be possibly raised by the defendants can be avoided and the suit could be properly and effectually decided in the presence of all the members of the family. In this view of the matter, I decline to interfere with the discretion exercised by the lower Court.

The Civil Revision Petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.5505 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

(C.V.NAGARJUNA REDDY, J)

01st October, 2015

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