

THE HON'BLE SRI JUSTICE A. RAJASHEKHAR REDDY

C.R.P.No.989 of 2015

-

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India against the order dated 30.04.2013 passed in I.A.No.17 of 2013 in A.S.No.6 of 2013 by the Senior Civil Judge, Kovur, whereby the application filed by the 1st respondent/appellant under Section 151 CPC., to grant permission to the petitioner to prefer an appeal, was allowed.

The 1st respondent herein, who is the son of defendant No.2, filed A.S.No.6 of 2013 before the Senior Civil Judge, Kovur, SPSR Nellore District, filed I.A.No.17 of 2013 in A.S.No.6 of 2013 against the judgment and decree passed in O.S.No.223 of 2005 dated 09.04.2012 on the file of the Principal Junior Civil Judge, Kovur, seeking leave of the Court to file appeal as a third party. The appellate Court after relying on the decision reported in **Thakor Jamasherkhanji Tajkhanji v. Rajgor G.V.**^[1] allowed the application granting leave to the 1st respondent/appellant to file the appeal as a third party. Challenging the said order petitioner/1st respondent in the appeal filed the present revision petition.

Heard learned counsel for the petitioner.

I do not see any reason to interfere with the order impugned in this revision petition. The learned counsel for the petitioner has not pointed out as to what is the error in the order passed by the Court below. In the considered opinion of this Court the lower Court after relying on the decision in **Thakor Jamasherkhanji Tajkhanji v. Rajgor G.V.** (supra) rightly allowed the petition. Mere granting of permission will not decide the rights of the parties. Instead the petitioner can raise all the grounds, which are raised herein, in the appeal before the Court below and the same shall be considered by

the Court below in accordance with law.

Subject to the above observation, the Civil Revision Petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKHER REDDY, J.

27th February, 2015
Js.

Note: Despatch the order copy only after
Payment of costs as ordered in
C.R.P.M.P.No.6122/2014.

[\[1\]](#) 1992 (2) ALT 3.1 (DN OHC)