

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.5095 OF 2015

ORDER:

The revision is directed against the order dated 09.09.2015 in I.A.No.379 of 2014 in O.S.No.216 of 2014. Through the order impugned in the revision, the revision petitioner was impleaded as 5th respondent in O.S.No.216 of 2014.

Respondents 1 to 3 filed I.A.No.379 of 2014 under Order I Rule 10 CPC to implead the revision petitioner herein and one Dr.Muppirala Lakshmi Ramesh as defendants 5 and 6 in the suit. The revision petitioner opposed the prayer in I.A.No.379 of 2014. The trial Court, having regard to the nature of the suit averments in I.A.No.379 of 2014 and the counter filed by proposed defendants, held as follows:

“Petitioners contended respondent no.5 is a housewife and respondent nos.1 to 4 purchased item no.3 of the plaint schedule property with joint family members. There is a serious dispute with regard to the purchase of item no.3 of the plaint schedule property, whether it is purchased from joint family funds or it is self acquired property of respondent no.5 and it is required full fledged trial. As the suit is for partition and separate possession the proposed parties are proper and necessary parties for proper adjudication of the suit. If the proposed parties are not joined as defendants 5 and 6 in the suit, the contentions raised by the parties can not be decided. No prejudice will be caused to the respondents if the proposed parties are added as defendants 5 and 6 in the suit.

As such, I hold that petitioners are permitted to implead Respondents 5 and 6 in the suit.

Mr. C.Subodh, learned counsel appearing for petitioner, contends that the revision petitioner is neither proper nor necessary party for effective adjudication of O.S.No.216 of 2014. According to him, the revision petitioner is impleaded in the suit without basis and the property held by revision petitioner is her self-acquired property.

He contends that the trial Court ought not to have allowed the application.

Mr.S.Lakshminarayana Reddy, learned counsel for respondents 1 and 3, contends that whether the property which the revision petitioner is claiming is the self-acquired property or the property is available for division, is a matter for decision in the main suit and as the suit is one for partition, presence of all the persons and properties is rightly appreciated by the trial Court and no exception can be taken to the order under revision.

I have perused the material available on record and taken note of the contentions advanced on behalf of the parties. The learned trial Judge in my considered view has given cogent and sufficient reasons for impleading the revision petitioner and one Dr.Muppirala Lakshmi Ramesh as defendants 5 and 6 to the suit. The objection raised by the revision petitioner, as rightly pointed out by the respondents, cannot be considered at this stage of the matter. The revision petitioner is free to file written statement with all objections available in law and appropriate issues are framed and evidence can be adduced by the party and the matter can be considered and decided by the trial Court.

I see no illegality or irregularity in the order under revision. Revision fails and is accordingly dismissed. No costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

22nd January, 2016

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