

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION Nos.3291 & 3292 of 2016

Dated : 26.07.2016

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Between:

Naseem Asiya W/o.Khaja Faizuddin,
Aged 49 yrs, Occu : Household,
R/o.Gopalpur, Hanamkonda, Warangal

.. Petitioner

And

Khaja Anwaruddin S/o.Late Khaja Nizamuddin,
Aged 51 yrs, Occu : Business, R/o.H.No.15-5-184,
(Old No.15-5-168), Papaiahpet Chaman,
Warangal District & 2 others.

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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COMMON ORDER :

The petitioner in both the CRPs is the plaintiff and the Municipal Corporation is the defendant in the suit in O.S.No.942 of 2015 on the file of V-Additional Junior Civil Judge, Warangal. The suit was filed by the plaintiff praying not to cancel the mutations already granted in the municipal records in her favour and not to interfere with possession and in undertaking construction activity in the suit premises. The respondents/proposed parties herein filed I.A.No.2049 of 2015 in O.S.No.942 of 2015 and I.A.No.2050 of 2015 in I.A.No.1758 of 2015 in O.S.No.942 of 2015 to implead them as parties. Both the I.As are allowed by a common order dated 16.03.2016 which is impugned in these revisions.

2. It is not in dispute that the petitioner herein is the wife of the brother of the respondents herein/proposed parties. There appears to be an *inter se* dispute between the husband of the petitioner and respondents/proposed parties against the subject property and in the earlier round of litigation, O.S.No.1181 of 2010 was instituted by the respondents herein and O.S.No.02 of 2001 was instituted by the husband of the petitioner. Against the judgment and decree in both the suits, the respondents herein filed A.S.Nos.62 of 2010 and 63 of 2010 which are pending on the file of V-Additional District Judge, Warangal. It is stated that the respondents herein have obtained interlocutory orders against the mutation proceedings granted in favour of their brother. During pendency of the above Appeal Suits the brother of the respondents/proposed parties transferred the subject property in the name of his wife-petitioner herein and she in turn obtained building

permission.

3. In view of the litigation pending on the same issue and in view of the fact that the brothers are fighting over the property in issue, it cannot be said that the respondents/proposed parties have no locus standi to contest the suit.

4. Further in Para No.6 of the plaint filed in the present suit, the plaintiff specifically avers that the defendant authorities were acting against the plaintiff under the influence of her brothers-in-law, who are none other than the respondents herein. Having regard to the above and in view of the history of the litigation, the respondents/proposed parties herein are necessary and proper parties to the suit. Therefore, I do not see any error in the decision arrived at by the trial Court warranting interference of this Court.

5. Accordingly, both the CRPs are dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these revisions shall stand closed.

26th July, 2016.
Rds

P.NAVEEN RAO,J