

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**CIVIL REVISION PETITION No.3217 of 2011**

**ORDER:**

This Civil Revision Petition is filed against the Order dated 28.02.2011 in I.A.NO.1274 of 2010 in O.S.No.136 of 2010 passed by the learned Principal Junior Civil Judge, Kothapeta.

2) Heard both the learned counsel.

3) As can be seen from the material on record, the petitioner filed I.A.No.1274 of 2010 in O.S.No.136 of 2010, under Order I Rule 10 read with 151 of C.P.C., to add himself as Defendant No.4 in O.S.No.136 of 2010, and the same came to be dismissed by the Court below. O.S.No.136 of 2010 came to be filed by the respondents 1 and 2 against the respondents 3 to 5 seeking injunctory relief. The case of the petitioner is that he filed O.S.No.14 of 2009 on the file of the 2<sup>nd</sup> Additional District Court, Amalapuram, for partition and separate possession of his share by cancelling the Registered Deeds executed collusively by the plaintiffs in O.S.No.136 of 2010 and 3<sup>rd</sup> respondent/Defendant No.1, who is a cultivating tenant of the properties. The Court below found that the injunction suit filed by the respondents / plaintiffs is nothing to do with the partition suit filed by the petitioner, and further holding that the petitioner is not either necessary or proper party for the suit and therefore, the relief claimed in the I.A.No.1274 of 2010 in O.S.No.136 of 2010 has been refused.

4) This Civil Revision Petition came to be admitted on 28.07.2011 and there was no stay granted with respect to the proceedings before the Court below in O.S.No.136 of 2010. On verification of the record, it has come to light that on 02.08.2011 itself the O.S.No.136 of 2010 came to be dismissed by the Court below. In other words, even by the date of the Civil Revision Petition being admitted on 27.08.2011, the suit itself came to be dismissed. In that view of the matter, nothing survives in the Civil Revision Petition.

5) Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, the Miscellaneous Petitions, if any pending, shall stand closed.

Date:01.12.2016  
Ssv

**CHALLA KODANDA RAM, J.**

