

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

CIVIL REVISION PETITION NO.1437 OF 2016

DATED:18-03-2016

Between:

Kavuri Sayi Babu
and another

... Petitioners

And

Kavuri Apartna
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. Koneti Raja Reddy

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition arises out of order dt.18.1.2016 in I.A. No.1515 of 2015 in O.S. No.901 of 2012, on the file of the Principal Senior Civil Judge, Guntur.

To the misfortune of respondent No.1, she lost her husband in an accident leaving behind him, herself and respondent Nos.2 and 3, minor children. A house flat was the subject matter of the dispute between respondent No.1 on one side, and respondent No.4, her mother-in-law, on the other. She along with her minor children filed O.S. No.901 of 2012 for partition of the property between herself and respondent No.4. Admittedly the property stands in the name of the husband of respondent No.1. It is also an admitted fact that petitioner No.1, who is no other than the father-in-law of respondent No.1, stood as co-obligant for purchase of the flat. In this factual scenario, petitioner No.1, and his daughter, filed I.A. No.1515 of 2015 under Order 1 Rule 10 of the Code of Civil Procedure, 1908, for their impleadment in the suit. The lower Court by the order under revision has dismissed the same.

Undoubtedly, respondent Nos.1 to 3 and respondent No.4 are Class-I heirs of the deceased, in whose name the property stands. However, it is the pleaded case of petitioner No.1 that the property was purchased partly through joint family funds and partly through loan amount for which he himself is a co-obligant. One of the issues, i.e., issue No.2 in the suit, is whether the subject flat was purchased by the deceased out of the joint family funds. In the light of these facts, this Court is of the opinion that the petitioners are necessary and proper parties. Indeed, the impleadment of the petitioners would avoid multiplicity of proceedings such as another partition suit. It is always

desirable that all the members of the family are impleaded as parties to obviate the possibility of the parties to indulge in further litigation. In this view of the matter, I.A. No.1515 of 2015 deserves to be allowed. However, since there is a delay of nearly four years in filing the application for impleadment, the petitioners shall pay costs of Rs.10,000/- (Rupees ten thousand only) to respondent No.1 within four weeks from today. On such payment, the lower Court shall permit the petitioners to file a written statement, if any, and complete the trial and dispose of the suit within four months from the date of receipt of this order.

Subject to the above directions, the civil revision petition is allowed.

As a sequel to disposal of the civil revision petition, C.R.P.M.P. No.1811 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

18-03-2016

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