

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No. 443 of 2016

Order:

The first respondent herein filed OS No.19 of 2009 on the file of the Junior Civil Judge, Atmakur, Mahabubnagar District, seeking permanent injunction on 11.06.2009. The said suit was filed on the ground, that taking advantage of her old age as a lady and none to look after her interest, the defendants tried to interfere with her possession. But, the present petitioners filed IA No.4 of 2015 alleging that they entered into an agreement of sale on 01.05.2009 with her and a registered sale deed was executed on 27.07.2009, vide document No.4017 of 2009 and sought to come on record in the place of original plaintiff as plaintiffs 2 to 4. The said application was dismissed by the learned Junior Civil Judge, by an order dated 19.11.2015, holding that the third party has no right or entitlement to plead on behalf of the plaintiff when the plaintiff filed the suit for injunction.

2. This Court is not inclined to examine the validity of the order, as admittedly the petitioners purchased the suit schedule property immediately within one month of filing the suit by the original plaintiff. The cause of action that accrued for the original plaintiff did not inure for the benefit of the present petitioners. Since the present petitioners became owners of the property, it is always open to them to file a separate suit on their own, if there is any threat to their possession.

3. Subject to the above observations, the Civil Revision Petition is dismissed. However, in the circumstances, no costs.

4. As a sequel thereto, the miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.
Date: 11.04.2016
Nsr

RAMALINGESWARA RAO, J