

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.3776 OF 2015

ORDER:

The Civil Revision Petition is filed impugning the order dated 16.04.2015 passed in I.A. No.1185 of 2014 in I.A. No.200 of 2013 in A.S. No.115 of 2011 on the file of XI Additional District Judge, R.R District.

2) Heard and perused the material on record.

3) In O.S. No.614 of 1997, a suit for Specific Performance based on two sale agreements, on the file of II Additional Senior Civil Judge, Ranga Reddy District at L.B Nagar against 28 defendants or so, the revision petitioner was originally shown as 4th defendant. It is the submission of the revision petitioner—4th defendant that she was though impleaded in the suit originally as 4th defendant, for reasons better known to the sole plaintiff, the suit against her was not pressed and behind her back it was cause dismissed even before ordering service of notice to her. It is her contention that she was one of the joint agreement holders along with sole plaintiff and thereby as necessary party to the suit. She sought for impleadment by setting aside the dismissal order against her obtained by sole plaintiff by not pressing and consequently to transpose her as co-plaintiff as per Order I Rule 10 C.P.C by filing I.A. No.1037 of 2002 (sic 1037 of 2005 only), her petition was allowed by the learned II Additional Senior Civil Judge, Ranga Reddy District on 15.02.2006. It was impugning the same earlier, C.R.P. No.1229 of 2006 was maintained by the plaintiff against the proposed 2nd plaintiff—defendant No.4, who is the revision petitioner, by showing other respondents 2 to 32 as parties, however by endorsing that they are not necessary parties to the revision and the revision vide order dated 10.04.2006 was allowed setting aside the impugned order of the learned II Additional Senior Civil Judge, dated

15.02.2006 passed in I.A. No.1037 of 2002 in O.S. No.614 of 1997. Subsequently, on 29.09.2006, the suit of the sole plaintiff, on contest, as can be seen from the record, was ended in dismissal. Aggrieved by the same, the sole plaintiff maintained A.S. No.115 of 2011 on the file of XI Additional District Judge, Ranga Reddy District at L.B Nagar. It is during pendency of the appeal, the revision petitioner maintained I.A. No.200 of 2013 in the appeal to implead her as respondent No.4 and consequently transpose her as 2nd appellant/ 2nd plaintiff to the pending appeal. After contest, the petition was ended in dismissal with costs vide order dated 19.07.2014 by the learned II Additional District Judge (FTC), Ranga Reddy District and impugning the same, the review petition in I.A. No.1185 of 2014 was filed, which was also ended in dismissal vide order dated 16.04.2015 by the learned District Judge supra and aggrieved by the same, the present revision is maintained. It is important to mention that in between the appeal in A.S. No.115 of 2011 filed by the sole plaintiff as sole appellant on the file of XI Additional District Judge, Ranga Reddy District at L.B Nagar was ended in dismissal on 04.09.2014 i.e., much prior to disposal of the review petition in I.A. (SR) No.1185 of 2014 dated 16.04.2015 though same was not reflected in the order. Thus, practically, there is no appeal pending. Thus her remedy, if any, in the factual scenario is only to maintain if at all a third party appeal with leave of the District Court concerned.

4) Accordingly, the revision is dismissed with no costs.

5) As a sequel, miscellaneous petitions if any pending in this Civil Revision Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.21.07.2016

KnI