

HON'BLE SRI JUSTICE R. KANTHA RAO

Civil Revision Petition No.4348 of 2015

ORDER:

Heard Mrs. T.V.Sridevi, learned counsel appearing for the revision petitioner.

2. The 1st respondent-plaintiff instituted the suit against respondents 2 and 3 for permanent injunction. While the suit is pending, the revision petitioner, a third party, filed a petition under Order I Rule 10 CPC to implead him as 3rd respondent in the suit on the ground that he purchased part of the schedule mentioned property under an agreement of sale dated 27.05.2008 from respondents 2 and 3. The learned trial court dismissed the said petition on the ground that no evidence is placed on record showing that the petitioner entered into an agreement of sale with respondents 2 and 3 on 27.05.2008 and also expressing the view that in a suit for permanent injunction, the petitioner-third party in whose favour the agreement of sale dated 27.05.2008 was allegedly executed by respondents 2 and 3, is not a necessary party to the suit.

3. Learned counsel appearing for the petitioner relied on a decision reported in '***Racharla Thirupathi & others vs. Gundala Shobha Rani & others***', wherein the learned single Judge of this court held that a party who purchased the scheduled property from one of the parties to the pending suit, is proper, though not a necessary party, since his presence would help the court for complete and effective adjudication upon the issue and to avoid multiplicity of the proceedings.

4. But in the instance case, the petitioner did not acquire any title to the property. More over, there is no mention in the petition that he was put in possession of the property under an agreement of sale dated 27.05.2008. Therefore, the petitioner is neither a necessary party nor a property party to the suit. Hence, the civil revision petition is dismissed. No order as to costs. Miscellaneous petitions, pending if any in this case, shall stand closed.

R. KANTHA RAO, J

Date: 22.01.2016

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