

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO. 4867 OF 2016

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dated 31.8.2016 in I.A No. 257 of 2015 in I.A.No. 702 of 2013 in O.S.No. 117 of 2008 passed by the VII Additional District and Sessions Judge, (Family Court) Medak at Sangareddy.

Judge Family Court declined the petitioners' participation in the final decree proceedings pending before it on the ground that the first appeal is pending before this Court in A.S.No. 1003 of 2012 and unless the rights of the parties are decided in the appeal, they cannot be allowed to participate in the final decree proceedings. Aggrieved by the said order, the present Revision is filed.

Raising several contentions mainly on the ground that their application to implead them as petitioners in ASMP No. 1227 of 2014 in A.S.No. 1003 of 2012 was ordered by this Court, but however, granted stay of passing of final decree, all other proceedings by appointing Advocate Commissioner etc, shall go on. As on today rights of the parties are not finally decided declaring their rights to claim share in the property and the petitioners' share is also not yet determined so far. In view of averment of remedy of appeal, that this

Court granted interim stay of passing of final decree, and restrained the trial Court from passing of final decree and if for any reason after deciding the appeal pending before this Court. If the petitioners' share is declared in the property then the petitioners are entitled to claim their share and the trial Court is competent to pass final decree determining the share in the property of the petitioners etc., in the petition.

Therefore, the order passed by the Judge Family Court-cum-VII Additional District and Sessions Judge, Medak at Sangareddy, is in accordance with law and does not call for interference by this Court at this stage. Till then, petitioners are not entitle to claim right of participation in the final decree proceedings. Leaving it open to the petitioners to file an appropriate application after determining their share in the property after disposal of the petition, the Civil Revision Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Date: 09.12.2016

KA