

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 3700 OF 2016

ORDER :

The order dated 21.06.2016 in I.A.No. 660 of 2015 in O.S.No. 208 of 2011 on the file of the I Additional District Judge's Court at Nellore which declined the prayer of the petitioner-plaintiff to implead the proposed parties as Defendants 5 to 7 to the suit, is challenged in this Revision.

The petitioner herein filed the suit seeking a declaration and for recovery of the suit schedule property. The case of the petitioner is that he purchased the suit schedule property on 22.01.2011 from the proposed party Respondents 6 and 7, who are stated to have acquired the said property from the proposed Respondent No.5 through a registered sale deed dated 21.03.2007. According to the petitioner, the averment made by the respondents - defendants in their written statement to the effect that the suit is bad for non-joinder of his vendors, has necessitated the filing of I.A.No. 660 of 2015 seeking their impleadment.

The proposed 5th respondent has filed a counter in the Interlocutory Application stating that she has unnecessarily been sought to be impleaded in the suit. The proposed Respondents 6 and 7 remained *ex parte*.

The learned Judge, taking into account and consideration the settled legal position that the vendors are not necessary or proper parties to the suit, opined that in a suit for declaration of title, vendors of the plaintiff are not necessary for adjudication of the *lis* and hence, dismissed the said Application.

Heard Sri Venkateswarlu Sanisetty, learned counsel for the petitioner as well as Sri A.V.V.S.N. Murthy, learned counsel for Respondents 1 to 3.

From a perusal of the material placed before this Court, it is clear that the petitioner, to elicit the factum of execution of the registered documents in his favour, has come up with the Application to implead his vendors and vendors' vendor as parties to the suit. Admittedly, no relief has been claimed against the proposed parties. Merely because the respondents - defendants, in their written statement, had taken a plea that the suit is liable to be dismissed for non-joinder of vendors of the petitioner-plaintiff, that, by itself, does not entitle the latter to seek their impleadment. It would always be open for the plaintiff to substantiate his right by summoning his vendors to adduce evidence.

There being no error apparent on the face of the order under revision, either legally or factually, the same does not deserve any interference at the hands of this Court in exercise of the revisional jurisdiction under Article 227 of the Constitution of India.

The Civil Revision Petition, therefore, stands dismissed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

16th December 2016

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