

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.431 of 2016

ORDER:

This revision is preferred questioning order dated 23.09.2013 in I.A.No.612 of 2009 in O.S.No.209 of 2005 on the file of Senior Civil Judge, Sangareddy.

2. Revision petitioners herein filed the above petition under Order 1 Rule 10(2) CPC praying the Court to implead them as defendants No.4 to 12 to the main suit contending that they have purchased plots from the original owners, which are part and parcel of the suit property. Court below dismissed the petition on the ground petitioners herein have not filed any documents to show that they have purchased suit plots. But as seen from the affidavit filed in support of the petition they have purchased these properties through registered sale deeds and the document numbers of the sale deeds were given, which are of the year 1984 and 1987. When the property is purchased through registered documents, which is also subject matter of the suit property in a suit filed in the year 2005, trial Court ought to have given opportunity to petitioners herein for proper adjudication of the suit.

3. Advocate for revision petitioners submitted that in the same suit similar petition is filed by some other parties and the court below has allowed the petition filed by third parties on the same grounds and when plaintiffs

approached this Court by way of revision, this Court confirmed the orders of the court below for allowing Order 1 rule 10 CPC petition and the present case is also stands on same footing. He has drawn my attention to the order of this Court in CRP Nos 1493 and 1494 of 2015.

4. As rightly pointed out by advocate for revision petitioners the respondents herein challenged order passed by the Court below in CRP No.1493 of 2015 and 1494 of 2015 and this court confirmed the order and given liberty to plaintiffs to file a rejoinder to the written statement to be filed by proposed parties. Here respondents/plaintiffs in spite of service of notice neither appeared in person nor through any advocate.

5. Considering these aspects, I am of the view that trial court committed error in dismissing petition under Order 1 rule 10 CPC and impugned order is set aside. Consequently I.A. No.612 of 2009 in O.S.No.209 of 2005 is allowed and it is made clear that plaintiffs are entitled to file rejoinder, if the proposed parties file any written statements to the plaint filed by respondents herein.

6. Accordingly, this Civil Revision Petition is allowed. No costs. Miscellaneous petitions, if any pending, in this revision shall stand closed.

S. RAVI KUMAR, J

Date: 29-02-2016.

gvl

