

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.783 of 2016

ORDER:

1. The petitioners herein filed I.P.No.45 of 2014 on the file of the Additional Senior Civil Judge, Ongole, against respondents 4 and 5 herein and the case is pending. Respondents 1 to 3 herein filed I.A.No.732 of 2015 seeking impleadment as petitioners 7 to 9 in the petition. The case of the proposed petitioners 7 to 9 is that the 4th respondent herein borrowed an amount of Rs.4,50,000/- on 10.05.2014 and also borrowed another amount of Rs.4,50,000/- on 15.06.2014 from the first proposed party for business purpose and executed two promissory notes. Similarly equal amount was borrowed from the second proposed party and executed two promissory notes. She also borrowed an amount of Rs.4,50,000/- on 05.04.2013 from the third proposed party and executed a promissory note. The borrower, 4th respondent herein, executed a sale deed in favour of the original 2nd respondent on 08.07.2014 in respect of item No.1 of the petition scheduled property and also executed another sale deed on the same day in respect of item Nos.2 to 4 of the petition scheduled property in favour of the original 2nd respondent with an intention to defeat and defraud the claim of the proposed parties. The 4th respondent herein has no other property. In the said application, no counter was filed either by the petitioners herein or by the 4th respondent herein. The trial Court by docket order dated 21.09.2015 allowed the said application, challenging which the present Civil Revision Petition was filed.

2. The petitioners herein are none other than the creditors,

who filed I.P.No.45 of 2014. The proposed parties are also claiming to be the creditors of the 4th respondent herein and want to come on record. The impleadment of the proposed parties is strangely opposed by the petitioners herein, without filing any counter before the trial Court, on the ground that the proposed parties cannot maintain a petition against the debtor. It is for the debtor to oppose, but the debtor did not choose to oppose the application. In those circumstances, the trial Court passed the impugned order on 21.09.2015 in I.A.No.732 of 2015 in I.P.No.45 of 2014 and this Court finds no ground to interfere with the said order keeping in view the provisions of the Provincial Insolvency Act.

3. The Civil Revision Petition is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

24-06-2016
Gsn