

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P.No.3580 OF 2014

ORDER :

Heard both sides. Perused the material available on record.

The suit O.S.No.60 of 2011 on the file of IV Additional District Judge, East Godavari District at Kakinada is for partition of the plaint schedule property and for allotment of separate share respectively of plaintiffs 1 and 2.

Pending suit, I.A.No.1995 of 2011 was filed by the plaintiffs to implead defendants 10 to 41 as proposed parties. It is pursuant to the written statement contest of some or all of the original defendants 1 to 9 setting up earlier partition and alienation in favour of several persons, who are no other than mostly the proposed defendants 10 to 41. On contest by the proposed parties the trial Court observed in allowing the petition that there is no much serious contest so far as the impleading is concerned. It is now impugned the same by some of the newly added and impleaded defendants viz. defendants 11, 12, 22 and 33, among defendants 10 to 41.

It is the contention, in the course of hearing, of the revision petition that the trial Court has not considered the contentions raised while passing the order. In fact, what all the contentions raised are touching the main lis, that could be part of their defence by filing written statement and nothing has been stated against the right of the plaintiffs in seeking impleadment or right of the Court to implead them. Once they are, if not, even necessary, being proper parties for effective adjudication of the lis, being the persons claiming right and title through some of defendants 1 to 9

on record, that too when Order 22 Rule 10 of the Code of Civil Procedure and Section 146 of the Code of Civil Procedure says that any finding against the defendants equally binding on them, by impleadment it is when nothing but giving of an opportunity to them besides contest of defendants 1 to 9 for any further contest by virtue of the alienations in their favour, there is nothing to interfere with the order dated 04.04.2014 passed by the IV Additional District Judge, East Godavari District at Kakinada by sitting in revision, but for to say to raise all the counter contentions raised in the implead petition in I.A.No.1995 of 2011 as defence in written statement being filed in the suit within the time being fixed by the trial Court.

With the above observation, the revision petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in the revision shall stand closed.

Dr.B.SIVA SANKARA RAO,J

07.09.2016
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