

HON'BLE SRI JUSTICE R. KANTHA RAO
Civil Revision Petition No.887 of 2009

ORDER:

Heard Sri K. Muralikrishna, learned counsel appearing for the petitioners and Sri M. Rajamalla Reddy, learned counsel appearing for respondents 1 & 2.

2. The petitioners filed IA No.291 of 2008 before the trial court under Order I Rule 10 CPC to implead them as defendants 4 and 5 in OS No.148 of 2008. The said petition was opposed by respondents on the ground that in AS No.29 of 2005, the I Additional District Judge, Medak at Sanga Reddy, held that the plaintiff is not the father of Anjireddy and also on the ground that the second appeal is pending before the High court. In fact on the ground that second appeal is pending, the learned court below ought not to have dismissed the application filed by the petitioners to implead them as defendants 4 and 5 in the suit. However, at the time of hearing of this revision, learned counsel for the revision petitioners submitted that subsequently, the second appeal was allowed by this court.

3. Since the second appeal was allowed, the petitioners can be impleaded as defendants 4 and 5 in the suit OS No.148 of 2008. Accordingly, the civil revision petition is allowed by setting aside the order dated 26.11.2008 passed by the trial court in IA No.291 of 2008 in OS No.148 of 2008. No order as to costs. Miscellaneous petitions, pending if any in this petition, shall stand closed.

R. KANTHA RAO, J

Date: 17.03.2016
BSS

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