

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.4153 of 2016

ORDER:

The petitioner in this civil revision petition filed under Article 227 of the Constitution is the 15th defendant in O.S.No.9 of 1993, a suit filed for partition amongst family members. The cause for her approaching this Court by way of this civil revision petition was that an application filed in the said suit by some of the parties thereto to record a compromise was being proceeded by showing her as a not necessary party though the said compromise, if effected, would allegedly have an adverse impact upon her interest.

It was further contended before this Court by Smt. B. Neeraja Sudhakar Reddy, learned counsel for the petitioner/15th defendant, that despite an objection being raised in this regard, the trial Court was proceeding with the matter.

Taking note of this situation, this Court granted interim stay of further proceedings in I.A.No.437 of 2016 in I.A.No.2241 of 1993 in O.S.No.9 of 1993, while ordering notice before admission.

Notice having been ordered, the contesting respondents entered appearance before this Court through learned counsel.

Sri D.Prakash Reddy, learned Senior Counsel representing Sri A.P.Venugopal, learned counsel for respondents 38 to 43, would contend that no compromise decree has been passed till date and that the trial Court may be directed to give an opportunity of hearing to all the parties concerned and that there is no purpose served in staying further proceedings in the suit or in adjudicating this civil revision petition on merits.

This Court finds substance in this submission as the matter is yet to be looked into by the trial Court and intervention by way of an interim order in the civil revision petition was warranted only because of the urgency prevailing at that stage.

As it is now stated that no compromise has been recorded till date, the civil revision petition is disposed of directing the trial Court to consider the submissions and objections raised by all the parties to the suit and thereafter proceed in the matter in accordance with law. More specifically, the objections raised by the petitioner herein, the 15th defendant in the suit, shall be taken note of and dealt with on merits and in accordance with law while dealing with the compromise petition, notwithstanding the fact that she is shown as a not necessary party thereto.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

23rd September, 2016
PGS

JUSTICE SANJAY KUMAR