

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.4905 of 2016

ORDER:

Notice to respondents even served failed to attend, who are no other than plaintiffs in the suit filed against the revision 3rd respondent. Pending suit, there was alienation of property in favour of the petitioner and 3 others vide sale deed dated 18.08.2015 and pursuant to which the petitioner want to come on record as 3rd plaintiff in the suit O.S.No.1485 of 2013 and went unsuccessful before the lower Court in I.A.No.331 of 2016 under Order I Rule 10 CPC. He filed similar application for impleadment in I.A.No.330 of 2016 which is pending suit temporary injunction application and when that application was dismissed, C.R.P.No.4770 of 2016 maintained and the revision was allowed while setting aside the impugned dismissal order dated 09.06.2016 remanding to lower Court to permit any such application for other alienees of the sale deed to come on record as co-petitioners for impleadment as co-plaintiffs and then to give fresh disposal.

As C.R.P.No.4770 of 2016 is in the same and between the same parties and out of the 2 applications in relation to the temporary injunction application and the present revision is in the main suit, same order holds good and by applying same analogy this revision is also allowed and while setting aside the impugned dismissal order in I.A.No.331 of 2016 dated 09.06.2016, the matter is remanded to the lower Court to permit any such application for the other vendees of the sale deed to come on record in I.A.No.331 of 2016 as co-petitioners to seek for impleadment as co-plaintiffs and then to give fresh disposal of the application on own merits.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 06.12.2016
ska

