

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION NO.2199 OF 2016

ORDER:

Heard Sri Sreenivasa Rao Ravulapati, learned counsel for the petitioner/proposed defendant No.2 and

Sri M.M.M.Srinivasa Rao, learned counsel for the 1st respondent/plaintiff and with the consent of both counsel, this Civil Revision Petition is disposed of at the stage of admission.

2. Aggrieved by the order, dated 20-02-2016 in I.A.No.192 of 2015 in O.S.No.38 of 2015 on the file of the Court of Agent to Government, Khammam, the petitioner/proposed defendant No.2, filed the instant civil revision petition.

3. The petitioner filed the above I.A.No.192 of 2015 seeking to implead him as 2nd defendant in the suit. The trial Court dismissed the said petition under impugned order with an observation that the Court already passed an *ex parte* decree on 09-12-2015 in the said suit and as the main suit was already decreed, the petition filed by the petitioner/proposed defendant No.2 is not maintainable.

4. As seen from the copy of the plaint in O.S.No.38 of 2015, it is clear that the 1st respondent/plaintiff filed the above suit against the 2nd respondent/defendant seeking eviction decree in respect of the suit schedule property claiming that the property belongs to her father and he has given the northern portion to the defendant about 12 years back on a monthly rent for running business in selling photos of gods, pooja brass articles etc., and the defendant was paying rents and after the death of her father, the defendant started gradually evading payment of monthly rents and in spite of issuing legal notice, he did not vacate the suit schedule property. Hence, the suit.

5. The above said suit was decreed *ex parte* on 09-12-2015 and pending the suit, it appears that a petition is filed to implead the petitioner as proposed defendant No.2 claiming right over suit schedule property by virtue of a will, dated 09-08-2011

6. Having regard to the facts and circumstances of the

case, the petitioner has to work out his remedies in an independent suit and not in the suit O.S.No.38 of 2015. Therefore, dismissal of I.A.No.192 of 2015 cannot be said to be illegal or irregular. Hence, I find no merits in the civil revision petition.

7. Accordingly, the Civil Revision Petition is dismissed. However, liberty is given to the petitioner to vindicate his right against the 1st respondent/plaintiff in respect of suit schedule property by way of filing a separate suit subject to relevant laws. No order as to costs. Miscellaneous petitions, if any pending, in this civil revision petition shall stand closed.

U.DURGA PRASAD RAO, J

DATED: 22-07-2016.

Hsd