

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No. 5126 OF 2016

DATED 21ST OCTOBER, 2016

Between:

Ganivada Peddi Naidu and another ... Petitioners

AND

Poosarla Nookayya Setty and others Respondents

Counsel for the petitioners : Ms. T.V.Sri Devi

Counsel for the respondents : --



THE COURT MADE THE FOLLOWING

ORDER:

This civil revision petition arises out of order dated 29-07-2016 in I.A.No. 10 of 2016 in O.S.No. 61 of 2008 on the file of the Court of Senior Civil Judge, Chodavaram (for short, 'the lower Court').

2. Respondent No. 1 has filed the aforementioned suit for eviction of the petitioners from the suit schedule property. The petitioners have filed the aforementioned I.A. for impleadment of respondent Nos. 2 to 5 of whom respondent Nos. 4 and 5 are the wife and daughter of respondent No. 1 respectively. The petitioners averred that respondent Nos. 2 and 3, the grandson and daughter-in-law of respondent No. 1 respectively, are the owners of the property from whom the petitioners have obtained lease and that, therefore, respondent Nos. 2 and 3 are necessary and proper parties. They have further pleaded that since respondent No. 5 has filed a suit for partition impleading the petitioners also, she, respondent No. 4, her mother, are also necessary and proper parties to the suit. The lower Court, on consideration of the respective pleadings, dismissed the application.

3. The law is well settled that the plaintiff, being *dominus litis*, has a right to choose the parties to the suit. Only in cases where the Court finds that a third party is either necessary or proper party, in the absence of which the suit cannot be effectually decided, it would direct addition of the parties. Having regard to the nature of the suit filed by respondent No. 1, namely; eviction of the petitioners, the presence of respondent Nos. 2 to 5 is not at all necessary for effectual adjudication of the dispute. It is for the petitioners to establish their plea, that respondent Nos. 2 and 3 are the true owners of the property and that they have obtained lease from them, by adducing relevant evidence which may include examination of the said respondents as their witnesses if they are so

advised. By merely adding respondent Nos. 2 to 5, the case of the petitioners would not in any way get advanced.

4. In the aforementioned facts and circumstances of the case, the lower Court has rightly dismissed the I.A. and I do not find any error whether jurisdictional or otherwise in the order of the lower Court warranting interference in exercise of the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

5. The civil revision petition is, accordingly, dismissed.

6. As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No. 6641 of 2016 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 21-10-2016.

JSK

