

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.4189 of 2016

Date: 02.09.2016

Between:

Botta Appa Rao

.. Petitioner

and

Vadlamuri Shyam Siva Rao and another

.. Respondents

Counsel for the petitioner : Mr.BV.Rama Rao

The Court made the following:



Order:

The petitioner is the sole defendant in OS.No.72 of 2010 filed by respondent No.1 on the file of the Court of the learned Additional Senior Civil Judge, Anakapalle. Pending the suit, the petitioner filed IA.No.490 of 2012 under Order I Rule 10(2) and Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908, for impleading “the Branch Manager, A.P.Grameena Vikas Bank, Anakapalle Branch” as defendant No.2 therein. This application having been dismissed by the lower Court, the petitioner filed this Civil Revision Petition.

In my opinion, respondent No.1 being the *dominus litis* has the discretion to implead the parties to the suit. Unless the Court is of the opinion that the presence of any party is necessary or proper for effectual adjudication of the suit, the defendant in the suit is not entitled to insist on impleadment of a third party as a co-defendant in the suit. Even if the facts pleaded by the petitioner are correct, respondent No.1 will take the risk of non-impleadment of respondent No.2 as a defendant in the suit. I am, therefore, of the opinion that the petitioner has absolutely no right to insist that respondent

No.2 shall be added as a defendant in the suit. In this view of the matter, the application filed by the petitioner for impleadment of respondent No.2 is wholly frivolous and vexatious and the same was rightly dismissed by the lower Court.

For the afore-mentioned reasons, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.5441 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

Dt: 2nd September, 2016
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(C.V.Nagarjuna Reddy, J)

