

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

CIVIL REVISION PETITION No.1228 of 2015

DATED 3<sup>RD</sup> FEBRUARY, 2016

BETWEEN

Mattaparthi China Satyanarayanamma (died)

And anr

...Petitioner

And

Gudala Veerabhadra Rao

...Respondent.

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

CIVIL REVISION PETITION No.1228 of 2015

**ORDER:**

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The second petitioner herein is a proposed party who wanted to come on record in the place of the deceased plaintiff in O.S.No.19 of 2007. The said suit was filed for setting aside the gift settlement deed dated 15.5.2006. The suit was filed on 23.1.2007 and the plaintiff died on 16.12.2012. I.A.No.549 of 2013 was filed by the second petitioner herein seeking to implead him as second plaintiff in the said suit in the place of the deceased original plaintiff who died intestate. The said application was dismissed through order dated 29.11.2014 on the

ground that the petition has to be filed within 90 days from the date of death of the plaintiff, that the proposed party is not the natural son of the deceased plaintiff and that there is no record to show that he is the adopted son of the deceased plaintiff. Challenging the said order, the present Civil Revision Petition is filed.

The original plaintiff in the suit itself stated that the property is in possession and enjoyment of the plaintiff and the adopted son, by name Mattaparthi Satyabapuji, who is the second petitioner herein. The present application filed under Order 22 Rules 2 and 28 of CPC is only for the purpose of continuation of the proceedings and in view of the averment in the plaint, the lower Court should have allowed the second petitioner to come on record.

In the circumstances, the order under revision dated 29.11.2014 is set aside and I.A.No.549 of 2013 is allowed for the purpose of continuation of the proceedings in OS.No.19 of 2007.

The Civil Revision Petition is accordingly allowed. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

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***JUSTICE A.RAMALINGESWARA RAO***

DATED 3<sup>rd</sup> February, 2016.

Msnr<sub>x</sub>