

**HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

**CIVIL REVISION PETITION No.2662 of 2011**

**ORDER:**

The revision petitioner since declared as major is no other than the daughter of sole defendant Smt. M. Prameelamma W/o. Late Reddissekhar Reddy. The revision 1<sup>st</sup> respondent is the plaintiff in O.S.No.130 of 2007 on the file of Additional Senior Civil Judge, Tirupati, based on sale agreement dated 04.11.2006, for specific performance of the contract for sale supra.

The revision petitioner filed I.A.No.207/2010 being third party to the suit to bring on record as co-defendant to contest the suit saying even the agreement refers the factum of the property is the ancestral property and the petitioner got undivided interest therein and as next friend, guardian and mother for her personal needs, her share could not be entered into contract for sale and thereby she is necessary party to the suit for effective and efficacious adjudication of the lis. The same was ended in dismissal on contest by the impugned order dated 30.05.2011 by the lower Court saying there is no proof filed to say that the so called property is the ancestral property or coparcener property or the minor got any right to have share over it and in the absence of which there is nothing to consider by accepting such contest.

Heard both sides.

It is the submission of the learned counsel for the revision petitioner that when the agreement itself refers as ancestral property in referring of the property her husband inherited from his ancestors, no more proof is required and the lower Court did not consider this aspect in dismissing the application simply in saying no document filed, even own document of plaintiff shows entitlement to participate in the proceedings at least as a proper party.

Having regard to the above, the revision petition is allowed and

order of the lower Court in I.A.No.207/2010 is set aside by allowing the same, directing the lower Court to implead the petitioner as 2<sup>nd</sup> defendant to the suit which is without prejudice to the contest of both sides to decide on own merits including with right of rejoinder, if any, to plaintiff after filing any written statement by the newly added party and to reformulate issues if any to conduct trial, if already trial commenced by recall of the necessary witness for further examination in chief or cross-examination further as the case may be.

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

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**JUSTICE Dr. B.SIVA SANKARA RAO**

Date: 16.08.2016  
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