

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

CIVIL REVISION PETITION NO.2747 OF 2016

DATED:17-06-2016

Between:

Buddha Koteswara Rao ... Petitioner

And

Allu Sujatha
and another ... Respondents

COUNSEL FOR THE PETITIONER: Mr. D.Y. Setty

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

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Order dt.1.4.2016 in I.A. No.808 of 2008 in O.S. No.1633 of 2006, on the file of the IV Additional Senior Civil Judge, Visakhapatnam, is assailed in this revision petition.

The petitioner is a third party to the above mentioned suit filed by respondent No.1 against respondent No.2 for permanent injunction restraining her from interfering with the former's peaceful possession and enjoyment of the suit schedule property. It is the pleaded case of respondent No.1 that registered agreement of sale dt.14.9.2001 was executed by respondent No.2 in favour of the petitioner and two others agreeing to sell Ac.03.68 cents, that the entire sale consideration was paid by the agreement holders to respondent No.2 and possession was delivered to them and that respondent No.2 has executed registered sale deed dt.05.12.2001 in favour of respondent No.1, as a nominee of the agreement holders. The petitioner filed the above mentioned I.A. for his impleadment on the ground that on the own admission of respondent No.1, he was one of the agreement holders and paid sale consideration. However, the lower Court dismissed the application.

Under Order I Rule 10 of CPC, the Court may, at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, add or strike off any party at its discretion in order to effectually and completely adjudicate upon and settle all the questions involved in the suit. In a suit filed for injunction which is basically in the nature of personal relief, conclusive right over a property is not adjudicated. Even if the suit filed by respondent No.1 is decreed that would operate only against respondent No.2 and persons claiming through her. It is not

the pleaded case of the petitioner that he is asserting possession or title through respondent No.1. Therefore, even if respondent No.2 suffers decree of injunction that would not in any manner affect the petitioner, and his presence in the suit filed by respondent No.1 is not necessary for complete and effective adjudication of the same. In this view of the matter, I do not find any jurisdictional error in the order of the lower Court in dismissing the application filed by the petitioner for his impleadment.

Hence, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.3483 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

17-06-2016

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