

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION Nos.5202 & 5603 of 2015

COMMON ORDER:

C.R.P.No.5202 of 2015 is preferred against the orders passed in I.A.No.660 of 2014, which is filed in I.A.No.216 of 2013 in O.S.No.1339 of 2008 on the file of the Additional Junior Civil Judge at Kukatpally.

C.R.P.No.5603 of 2015 is preferred against the orders passed in I.A.No.676 of 2014, which is filed in I.A.No.215 of 2013 in O.S.No.1339 of 2015 on the file of the Additional Junior Civil Judge at Kukatpally. Both these I.As have been dismissed by a common order dated 01.10.2015.

It appears that six plaintiffs have instituted the suit seeking partition and delivery of separate possession of the suit schedule properties by awarding 1/8th share to them. It appears the said suit is decreed by drawing a preliminary decree. For drawing the final decree proceedings, I.A.Nos.215 and 216 of 2013 are moved. During the course of hearing of the said final decree proceedings, I.A.Nos.660 and 676 of 2014 have been moved by the petitioner herein proposing impleadment to the suit as well as to the final decree proceedings. Those applications stood rejected. Calling in question the said common order, the present revisions are preferred.

The whole question which is liable to be addressed and answered is whether there can be any resistance offered by a purchaser of suit schedule property pendent lite for drawing a final decree.

It appears the agreement holder-cum-General Power of Attorney holder has already been impleaded as defendant to the suit. It is from him the present petitioner has purchased the suit schedule property. It is, therefore, only appropriate that the purchaser should be impleaded to the final decree proceedings so that he can demonstrate to the satisfaction of the Court as to whether the suit schedule property is capable of being partitioned at all and in case, the same cannot be partitioned, while

working out the equities, the same can be conveniently allotted to the share of their principal interest holder and the fact that the suit schedule property was already purchased by the present petitioner herein can be kept in view and appropriate measures have to be adopted while drawing final decree proceedings. I hope and trust that a final decree would be drawn as expeditiously as possible, preferably, within a maximum period of three months from the date of receipt of a copy of this order. It goes without saying that all such applications, which are filed for setting aside the preliminary decree and any appeal preferred there against would be considered on their merits by the respective Courts uninfluenced by any of the observations made herein.

Accordingly, these revisions stand disposed of after hearing Smt. G.Jyoti Kiran, learned counsel for the petitioner, Sri S.Chalapathi Rao, learned counsel for the plaintiffs/decreed holder and Sri T.Srikanth Reddy, learned counsel for the defendants in the suit.

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

JUSTICE NOOTY RAMAMOHANA RAO

05.02.2016

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