

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

FRIDAY THE TWENTY NINETH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 5539 OF 2015

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Between:

Velugu Gopi ... Petitioner

Vs.

Kurapati Rama Mohan & Ors. ... Respondents

Counsel for the Petitioner: Sri K.S. Gopala Krishnan

Counsel for the Respondent: None appeared

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 5539 OF 2015

O R D E R :

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Plaintiff in OS.No. 167 of 2010 is the Revision Petitioner. The Revision Petitioner filed I.A.No. 369 of 2015 to implead the Tahsildar, Tada Mandal, SPSR Nellore district; the Revenue Divisional Officer, Gudur, SPSR Nellore district; the District Collector, Barracks, Nellore; and the Village Revenue Officer, Karijata Village Panchayat, Tada Mandal, SPSR Nellore district as defendants 3 to 6 in the suit. The suit is one for permanent injunction. The averments in the plaint as they stand are that respondents 1 and 2 tried to interfere with the peaceful possession of Revision Petitioner herein and nothing else.

2. The trial court through the order impugned in the Revision dismissed the application filed for impleading the parties. The application to implead the Tahsildar, Revenue Divisional Officer, District Collector and Village Revenue Officer as defendants 3 to 6 is made without proper foundation in the plaint.

Secondly, that unless and until the Revision Petitioner has any threat of interference from the proposed defendants they cannot be on

the mere asking of the Revision Petitioner herein be impleaded as parties to the suit.

3. Learned counsel for the petitioner contends that the first reason pointed out by the trial court namely that there is no foundation in the plaint is being taken care by filing I.A.No. 369 of 2015 under Order-6 Rule 17 of CPC for amendment of the plaint and therefore he requests the Court to set aside the order impugned in the Revision and remit the matter back to the trial court.

4. I have perused the material available on record and has considered the reasoning of trial court in the order under Revision. No exception to the reasons recorded by the trial court are either canvassed or pointed out to this Court. I am of the view that the trial court has rightly exercised its jurisdiction under Order-1, Rule 10 [2] of CPC and dismissed the application.

5. CRP fails and is accordingly dismissed. No costs.

6. It is made clear that the dismissal of the present Civil Revision Petition shall be construed to the limited extent of impleading the above parties as defendants 3 to 6 in the suit. If any application is filed by the Revision Petitioner herein, for any other relief it is needless to observe that the same may be considered on its own merits uninfluenced by the dismissal of this Revision. Since the suit is of the

year 2010, the trial court is directed to dispose of the suit as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

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7. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE S.V. BHATT

29/01/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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