

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.R.P.Nos.2771, 2905, 2907, 2928 & 2930 of 2016

COMMON ORDER:

Since the facts of the case; parties; and the issues involved in all these revisions are one and the same, all these revisions are being disposed of by this common order.

2. CRP No.2771 of 2016 is preferred challenging the order dated 17.02.2016 passed in I.A.No.75 of 2016 in I.A.No.328 of 2011 in O.S.No.751 of 2011 by the VII Senior Civil Judge, City Civil Court, Hyderabad.

3. CRP No.2905 of 2016 is preferred challenging the order dated 17.02.2016 passed in I.A.No.72 of 2016 in I.A.No.330 of 2011 in O.S.No.751 of 2011 by the VII Senior Civil Judge, City Civil Court, Hyderabad.

4. CRP No.2907 of 2016 is preferred challenging the order dated 17.02.2016 passed in I.A.No.74 of 2016 in I.A.No.329 of 2011 in O.S.No.751 of 2011 by the VII Senior Civil Judge, City Civil Court, Hyderabad.

5. CRP No.2928 of 2016 is preferred challenging the order dated 17.02.2016 passed in I.A.No.71 of 2016 in O.S.No.751 of 2011 by the VII Senior Civil Judge, City Civil Court, Hyderabad.

6. CRP No.2930 of 2016 is preferred challenging the order dated 17.02.2016 passed in I.A.No.73 of 2016 in I.A.No.331 of 2011 in O.S.No.751 of 2011 by the VII Senior Civil Judge, City Civil Court, Hyderabad.

7. Vide the orders in Interlocutory applications under challenge, the Court below granted permission to implead the petitioners therein under Order I Rule 10 of C.P.C.

8. It is the case of the revision petitioners herein that the revision petitioners filed suit for injunction simplicitor based on the registered agreement of sale claiming to be in possession and enjoyment of the property, while complaining threat of interference with their peaceful possession and enjoyment by defendants 5 to 27 before the Court below.

9. The respondents herein filed petition under Order I Rule 10 of C.P.C. alleging that they are proper and necessary parties to the suit, being agreement holders, and that did not assign their right under the alleged agreement to anybody and thereby, sought permission of this Court to come on record.

10. The Court below passed a cryptic order without recording any reasons, more particularly how the proposed parties are proper or necessary parties to the suit for injunction simplicitor, when the revision petitioners only complained threat of interference with their peaceful possession and enjoyment by the defendants before the Court below. The order under challenge is bereft of any reasons and in the absence of any reasons, it is difficult to examine whether the proposed parties are either proper or necessary parties to the suit for injunction simplicitor.

11. Accordingly, all these Civil Revision Petitions are allowed and the orders under challenge in all these revisions are hereby set

aside. The matters are remanded to the Court below permitting the revision petitioners to file counters on the date fixed by the Court below. In the event of failure on the part of the revision petitioners to file counter, the Court below shall proceed with the case and decide the matter on merits, recording reasons for such conclusions arrived by the Court below. There shall be no order as to costs. Miscellaneous petitions, if any, pending in all these revisions, shall stand dismissed.

14th September, 2016.
Bvv

M. SATYANARAYANA MURTHY, J

