

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION NO. 4552 OF 2015

ORDER:

The petitioners in the present Civil Revision Petition are the proposed parties, who sought to be impleaded as defendants 10 & 11 in the suit. The suit, O.S.No. 45 of 2009 was filed before the learned Principal Senior Civil Judge, Ongole, seeking declaration of title and injunction. The petitioners filed the application I.A.No. 745 of 2016 claiming that the petitioners 7 and 8 along with some others have got joint shares in the plaint schedule properties and they have not impleaded the petitioners in order to knock away all their joint shares in the suit property. They reserved their right to contest the suit to establish their right and title and joint possession of their joint shares in the suit schedule property and they will state the details of their respective joint shares in the suit property in their written statement to be filed by them after they are added as defendants 10 & 11 and they stated that they have got excellent case to succeed in the case. Apart from stating above, they did not give any details in support of their claim to come in the suit as defendants 10 & 11.

Counter affidavit was filed by the plaintiff/respondents stating that defendants 1 to 6 cannot maintain the petition along with the proposed parties and the allegations in the petition do not disclose any need and necessity of proposed parties. It is also stated that the

entire evidence of the plaintiffs was completed and prayed to dismiss the petition.

The trial Court dismissed the application by holding that the parties, who seek to come in the suit, prima facie, have to satisfy the Court with regard to their interest and connection with the suit. An elaborate order was passed by the trial Court considering the rival contentions and dismissed the application filed under Order 1, Rule 10 CPC.

This Court carefully considered the said order and in the light of the affidavit filed in support of the application seeking impleadment, this Court feels that I.A No. 745 of 2016 was rightly dismissed and the order passed by the trial Court does not warrant any interference.

Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

A. RAMALINGESWARA RAO, J

DATE: 23.09.2015

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