

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No. 1268 of 2015

Order:

The petitioner herein is the plaintiff in OS No.1824 of 2013 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad. The said suit was filed for perpetual injunction in respect of the suit schedule property. In the said suit some third parties filed IA No.209 of 2014 seeking their impleadment as defendants 4 to 13 on the ground that the property was sold to them by the defendants 1 and 2 through a registered sale deed dated 30.07.2013 and the suit was filed due to collusion between the plaintiff and defendants 1 and 2.

2. The said application was opposed by the first respondent/plaintiff stating that he is residing in the suit schedule property in his own right and he also perfected his right by adverse possession.

3. Since the original defendants 1 and 2 are hotly contesting the suit by filing a written statement, the presence of the proposed defendants 4 to 13 is not necessary. But the said application was allowed by the trial Court, by an order dated 12.12.2014, holding that since the title to the property is incidentally in dispute and the proposed parties are claiming that they are the owners of the property and they are in possession of the same, they were held to be necessary parties.

4. In view of the reasons assigned by the trial Court, this Court feels that the proposed parties are necessary parties to the suit, but, however, they shall not raise any pleas contradicting the pleas raised by their vendors i.e., defendants 1 and 2.

5. Accordingly, the Civil Revision Petition is dismissed. However, in the circumstances, no costs.

6. As a sequel thereto, the miscellaneous petitions, if any, pending

in this Civil Revision Petition shall stand closed.

A.
Date: 11.02.2016
Nsr

RAMALINGESWARA RAO, J.