

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION No.4775 of 2016

DATE: 30.09.2016

Between:

Srinadhu Srinivasa Rao and others

....Petitioners

and

Senapathi Narayana Rao and others

....Respondents

COUNSEL FOR THE PETITIONERS : Mr. K. Subrahmanyam

COUNSEL FOR THE RESPONDENTS : ----



THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION No.4775 of 2016

ORDER:

This Civil Revision Petition arises out of order, dated 20.09.2016 in I.A.No.77 of 2016 in O.S.No.24 of 2010 on the file of the Junior Civil Judge, Madugula.

Petitioners filed the afore-mentioned suit for declaration of their title and also for mandatory injunction directing the defendants to remove all the constructions made and standing in the red and green marked portions and to hand over the vacant possession of the same to the plaintiffs. They also sought alternative relief of permitting them to remove the said constructions, if the defendants failed to remove the same. After completion of trial and when the suit was coming up for arguments, the petitioners have filed I.A.No.77 of 2016 under Order I Rule 10(2) and Section 151 CPC to permit them to add respondents 4 to 6 as plaintiffs. This application was dismissed by the lower Court by assigning detailed reasons. The lower Court observed that the suit was filed in the year 2010; that the petitioners must have known that the parties have interest in the disputed property even when they filed the suit and that they have not exercised due diligence and attempted to add proposed parties even during recording of evidence. The lower Court also observed

that though the proposed respondents may be proper parties, their absence in the suit would not disable the Court from effectually deciding the suit. The lower Court has given weighty reasons for dismissing the I.A. filed by the petitioners for impleadment of respondents 4 to 6. As rightly observed by the lower Court, the petitioners failed to show due diligence in filing the application at a far too belated stage.

For the afore-mentioned reasons, this Civil Revision Petition is dismissed.

As a sequel to dismissal of Civil Revision Petition, CRP.MP.No.6214 of 2016 filed by the petitioners stand dismissed as infructuous.



C.V. NAGARJUNA REDDY, J

30th SEPTEMBER, 2016.

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