

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.1482 of 2016

ORDER:

Petitioners, who are third parties, filed this revision under Article 227 of the Constitution of India having been aggrieved of the orders dated 12.02.2016 of the learned Senior Civil Judge, Asifabad of Adilabad District, passed in I.A.No.91 of 2013 in O.S.No.117 of 2006 filed by the petitioners/ third parties under Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908, requesting the Court to permit their impleadment as defendants 3 and 4 in the suit by reopening the case.

I have heard the submissions of the learned counsel for petitioners/third parties ("petitioners" for brevity) and the learned counsel for 1st respondent/plaintiff. Respondents 2 and 3 are stated to be the defendants in the suit.

At the hearing, it is fairly conceded that a final decree has been passed on 22nd of April, 2016 in the aforesaid suit by the learned Senior Civil Judge, Asifabad. A copy of the said final decree is also placed on record by the learned counsel for plaintiff. A perusal of the same shows that the plaintiff has already been put in possession of 1/4th share over the properties specified in the location sketch map annexed to the final decree. In that view of the matter, the learned counsel for plaintiff/1st respondent would submit that no cause survives for adjudication in this revision filed by third parties and that the revision petition has become infructuous. He would further submit that the petitioners/third parties are none other than the sons of 2nd defendant. However, the learned counsel for the petitioners/third parties would submit

that they are still in possession of the property being claimed by them and that therefore, the revision petition may be dismissed as infructuous reserving liberty to them to pursue appropriate remedies, which the law permits.

Recording the submissions, the revision petition is dismissed as infructuous, however, reserving liberty to the petitioners/third parties to pursue appropriate remedies, which the law permits. No costs.

Pending miscellaneous applications, if any, shall stand closed.

16th November 2016

N.B :

Issue C.C. by tomorrow.

(b/o)

ajr

M.SEETHARAMA MURTI, J

