

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.999 of 2010

ORDER:

This revision is filed against the order dated 17-11-2009 in I.A.No.532 of 2008 in O.S.No.308 of 2007, wherein the Court below dismissed the application filed by the 1st petitioner for impleading himself as defendant in the suit.

Learned counsel for the petitioner says that the petitioner has first charge on the schedule property and the respondent No.1 in collusion with respondents 2 to 5 filed present O.S.No.308 of 2007. The Court below erroneously dismissed the said application.

Now it is to be seen that the Court below has considered the contention and found that the petitioner has not revealed that he has any common cause of action against the 1st respondent and proposed party. It is also observed that the petitioner has not shown that the proposed party has first charge on the property. Unless the debt owed to the proposed party is satisfied, the 1st respondent cannot have any claim over the said property. The Court below also found that in the absence of proposed party, the claim of the 1st respondent can be adjudicated. Learned counsel for the petitioner was not able to point out any infirmity in the said findings of the

Court below. This Court also of the opinion that rights of the petitioner and the rights of respondents 2 to 4 cannot be decided in the suit. In view of the same, I do not find any infirmity in the order passed by the Court below.

Accordingly, the revision petition is dismissed. As a sequel to the disposal of this revision, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

10-08-2017
Nvl





