

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CIVIL REVISION PETITION NOS.818 AND 832 OF 2017

COMMON ORDER:

These revisions are filed by the petitioner/plaintiff under Article 227 of the Constitution of India challenging the orders, dated 24-10-2016 in I.A.Nos.724 of 2012 and 902 of 2014 in O.S.No.9 of 2012 on the file of the Principal Junior Civil Judge, Srikakulam.

2. The petitioner herein is the 1st respondent (plaintiff) in O.S.No.9 of 2012, which was filed for eviction of the defendants from the suit schedule property and for arrears of rent. Pending disposal of the suit, third party petitioners/proposed plaintiffs filed the above interlocutory applications to implead them as plaintiffs 2 to 4 and 5 to 14 respectively in the suit and the said applications were allowed. Hence, these revisions.

3. Briefly stated, the proposed petitioners want to come on record and question the authority of the plaintiff to file the suit for eviction and arrears of rent on the ground that the plaintiff has no authority whatsoever to file the suit. Without going into the details of controversy, it can be said that the petitions filed by the proposed parties are wholly fallacious and cannot be sustained. The prayer sought for by the proposed parties is that they may be impleaded as plaintiffs in the suit by substituting the original plaintiff, who filed the suit, but the same cannot be countenanced. If the proposed parties have any right over the property, they can at best come as defendants in the suit challenging the authority of the plaintiff claiming themselves to be owners of the property. By no stretch of imagination, it can be presumed that the proposed parties can be impleaded as plaintiffs in the suit, unless they have any claim, which is converse to the claim of the person, who filed the suit. The plaintiff who filed the suit and the proposed plaintiffs

cannot settle their internal disputes in the present suit. The trial Court has committed serious error in impleading the proposed parties as plaintiffs in the suit without taking into consideration the legal aspects.

4. Accordingly, the Civil Revision Petitions are allowed setting aside the impugned orders, dated 24-10-2016 in I.A.Nos.724 of 2012 and 902 of 2014 in O.S.No.9 of 2012 on the file of the Principal Junior Civil Judge, Srikakulam. It is needless to say that the proposed parties can take appropriate steps if they are so advised to be impleaded as defendants in the suit. As and when any application is filed by the proposed parties for impleading them as defendants, the trial Court is directed to dispose of the same on merits uninfluenced by any of the observations made in this order. No order as to costs. Miscellaneous petitions, if any pending in these revisions shall stand closed.

DATED: 24-03-2017
Hsd

M.S.K.JAISWAL, J

