

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No. 699 OF 2017

Date :17.2.2017

Between :

Dr. N.V.Rama Rao S/o Krishna Murthy
R/o Srinivasa colony, Warangal

Petitioner

And

P Harsish S/o Sampath Kumar
R/o H No. 9-5-16, JPN Road, Warangal and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner herein filed I A No. 1758 of 2015 in Appeal Suit No. 144 of 2007 under section 151 of CPC seeking permission to file written statement in O.S. No. 268 of 1999. On exhaustive consideration of the rival contentions, the first appellate Court rejected the plea of the petitioner, observing as under:

“ 7.....The petitioner herein being holder of agreement of sale to purchase the property from the respondent No.1, therefore, he having been stepped into the shoes of respondent No.1 can put forth his arguments in the appeal suit because he was only a proper party as observed by the Hon'ble High Court. So the permission sought by him to file his written statement in the original suit at this juncture appears to be unsustainable, more particularly he set up a case that his vendors are not prosecuting the appeal suit properly. In view of the aforesaid reasons, the application under consideration seems to be devoid of merits and deserves to be dismissed.”

Heard learned counsel for petitioner.

Having given anxious consideration to the contentions of the learned counsel for petitioner and order of the first Appellate Court, I see no error much less patent error in dismissing the interlocutory application, warranting interference of this Court.

The revision fails and accordingly the same is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 17.2.2017
TVK

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