

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.4480 of 2017

Date:08.9.2017

Between:

Lakkavarapukota Ganga Trinadha Rao,
S/o Late Satyanarayana

..... Petitioner

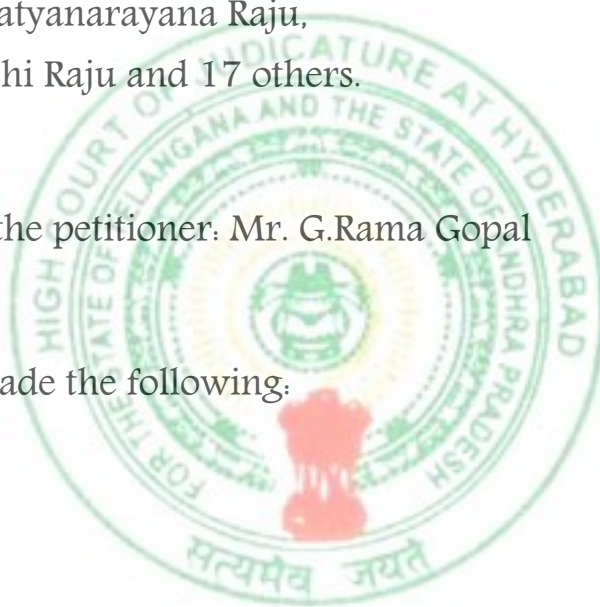
And:

Patsamatla Satyanarayana Raju,
S/o Late Butchi Raju and 17 others.

.....Respondents

Counsel for the petitioner: Mr. G.Rama Gopal

The Court made the following:



ORDER:

This Civil Revision Petition is filed against order, dated 24.7.2017, in I.A.No.579 of 2017 in O.P.No.1066 of 2007 on the file of the Principal District Judge, Visakhapatnam.

Respondent No.1 has filed the afore-mentioned O.P. for multiple reliefs, viz., (i) for a declaration that the alleged meetings said to have taken place on 07.7.2007 and 22.7.2007 are illegal; (ii) for a declaration that every action taken or act done in pursuance of the said meetings is illegal and not binding on the members of respondent No.4-society; (iii) and for a declaration that the sale deed executed by respondent Nos.2 and 3 herein under the Andhra Pradesh Societies Registration Act, 2001, is against the bye-laws and is hit by Section-25 of the said Act.

In the said O.P., respondent No.1 has filed I.A.No.579 of 2017 under Order-I Rule-10 C.P.C. read with Rule-28 of the Civil Rules of Practice for adding respondent Nos.15 to 18 arrayed in the said I.A. as respondent Nos.15 to 18 in the O.P. This petition was resisted by the petitioner by stating that as he has taken an objection to the maintainability of the said O.P. on the ground of non-joinder of the said respondents, who are his vendors in respect of the schedule property, the alienation of which was challenged in the O.P., in order to overcome the said

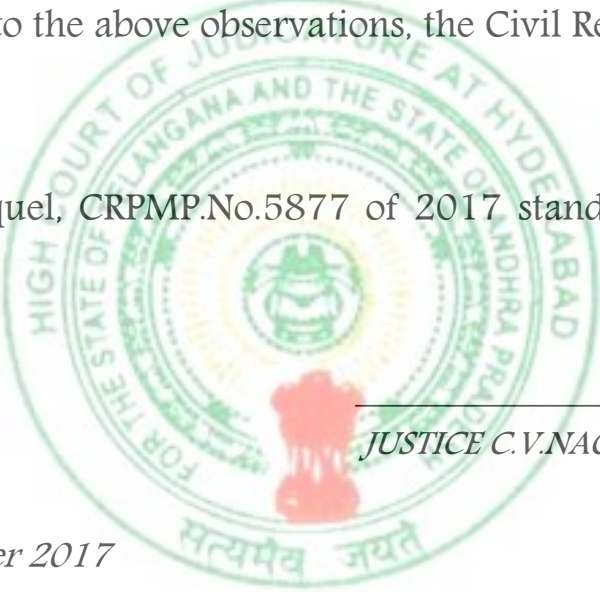
lacuna, respondent No.1 has filed the said I.A. The Court below, however, rejected the said objection on the grounds, *viz.*, (1) that the relief of declaration that alienation of the schedule property is illegal has already been claimed in the O.P.; (2) that as respondent Nos.15 to 18 are the persons who alienated the schedule property to the petitioner, they are sought to be added in the O.P.; and (3) that, by such addition, the interests of the petitioner would not be affected.

The obvious reason for respondent No.1 to file the aforementioned I.A. for impleading respondent Nos.15 to 18 was to overcome the deficiency of non-joinder of the said respondents, who are certainly necessary parties in the wake of the prayer sought by him for invalidation of the alienation made by them. As observed by the Court below, such a petition ought to have been filed by respondent No.1 at an earlier point of time. Except the deprivation of the plea of rejection of the O.P. on the ground of non-joinder of party, no prejudice will be caused to the petitioner by mere addition of the said respondents. The objection to non-joinder of party being purely a technical one, the opposite party is entitled to cure the defect at any stage of the case. Therefore, I do not find any error in the approach of the Court below in allowing the petition.

Mr. G.Rama Gopal, learned counsel for the petitioner, expressed an apprehension that as a consequence of the Court below allowing the said I.A., there is a possibility of the O.P. being reopened. I do not find any basis for this apprehension. If the O.P. has already been heard, as pleaded by the learned counsel for the petitioner, there can be no reason for the hearing being reopened merely because of impleadment of respondent Nos.15 to 18.

Subject to the above observations, the Civil Revision Petition is dismissed.

As a sequel, CRPMP.No.5877 of 2017 stands dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

08th September 2017

DR