

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.2995 of 2017

ORDER:

This Civil Revision Petition is filed aggrieved by the order dated 14-6-2017 passed by the III Additional Junior Civil Judge, Kadapa in I.A.No.875 of 2017 in I.A.No.1840 of 2016 in O.S.No.756 of 2016, whereunder the trial court dismissed the petition filed by the petitioner/plaintiff under Order 1 Rule 10(2) C.P.C. to implead the Government as a party to the suit.

The subject suit is one for perpetual injunction filed by the petitioner/plaintiff wherein he sought for inclusion of Government as a party on the contention that the petitioner/plaintiff is the absolute owner of the plaint schedule property and there is no rasta in the suit schedule property and the Tahsildar D.K.Dinne without enquiry and in collusion with the respondents passed the order dated 11-11-2016 in M.C.No.65 of 2016. The trial court having observed that the suit on hand being one for perpetual injunction against a private party, the Government cannot be treated as either a proper or a necessary party, dismissed the petition. In that factual scenario, this court find no perversity or illegality in order impugned.

In a suit for perpetual injunction, plaintiff is expected to prove his legal possession and enjoyment of the subject property as on the date of the suit. In the instant case, Government cannot fit into the slot of either proper or necessary party as rightly observed by the

trial court. If it is the claim of petitioner/plaintiff that the Tahsildar C.K.Dinne has passed an erroneous order in respect of alleged rastha in M.C.No.65 of 2016 dated 11-11-2016, the remedy for the petitioner/plaintiff is in a different suitable proceedings but not in the present suit.

Hence, at the admission stage, without finding necessity of directing notice to the respondents, this Civil Revision Petition is dismissed. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Dated 30-6-2017

Dvs

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U.DURGA PRASAD RAO,J



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