

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.Nos.4897, 4905 and 5030 of 2017

COMMON ORDER:

Since all these revisions arise out of the same suit, they are being disposed of by this common order.

2. CRP.No.4897 of 2017 is filed challenging the order dt.15.06.2017 in I.A.No.418 of 2016 in O.S.No.203 of 2016; CRP.No.4905 of 2017 is filed challenging the order dt.15.06.2017 in I.A.No.419 of 2016 in I.A.No.304 of 2016 in O.S.No.203 of 2016; and CRP.No.5030 of 2017 is filed challenging the order dt.15.06.2017 in I.A.No.420 of 2016 in I.A.No.403 of 2016 in O.S.No.203 of 2016 of 2016, on the file of the I Additional Junior Civil Judge, Bhimavaram.

3. The said suit was filed by the 1st respondent herein against respondents 2 to 5 for a perpetual injunction restraining the latter from interfering with his peaceful possession and enjoyment of the plaint schedule property.

4. Petitioner herein is a third party to the said suit. He claims to be the original owner of the property and states that he sold the said property under an unregistered Possessory Sale Agreement dt.20.03.2015 to respondents 2 and 4, and that a regular Sale Deed was executed on 02.02.2010 in respect of the property. He claims to have taken one portion on the northern side of the plaint schedule property on lease

from respondents 2 and 4 on 01.03.2016 under an unregistered lease agreement. He contends that to grab the property from respondents 2 and 4, the 1st respondent and her husband filed the above suit and he therefore wants to be impleaded as a party in the suit and also in certain interlocutory applications.

5. Petitioner filed I.A.No.418 of 2016 under Order I Rule 10 CPC to implead him in the suit; I.A.No.419 of 2016 to implead him in I.A.No.304 of 2016; and another application I.A.No.420 of 2016 to implead him in I.A.No.403 of 2016 in I.A.No.304 of 2016.

6. The Court below dismissed these applications stating that the suit is one for perpetual injunction filed by the 1st respondent against the respondents 2 to 5 and it is the choice of the 1st respondent/plaintiff to sue whoever he wishes. It pointed out that there is no mention about the lease granted to the petitioner in the written statement filed by respondents 2 to 4 on 05.12.2016 in the suit, and there is also no evidence to show that he is in possession of any portion of the plaint schedule property. It held that there is no reason given why the petitioner should be impleaded as a party in the suit or in the I.As. filed therein, and that if the respondents 2 to 5 intend, they can always summon the petitioner as a witness on their behalf.

7. Though counsel for petitioner sought to contend that the applications filed by his client to implead him in the suit and in I.As. ought to have been allowed by the Court below, I agree with the reasoning of the Court below. Merely because the petitioner is a former owner of the property, in the absence of anything to show that he is in possession of any portion of the plaint schedule property, he cannot seek impleadment in the suit or in the I.As. filed therein as of right and compel the 1st respondent/plaintiff to litigate against him.

8. Accordingly, these three Civil Revision Petitions are dismissed. No costs.

9. Consequently, miscellaneous petitions pending if any shall stand closed.



M.S.RAMACHANDRA RAO, J

06th October, 2017.

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