

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.271 of 2014

ORDER :

This revision is filed against the order, dated 13.08.2013, in I.A.No.2594 of 2011 by the learned III Additional Chief Judge, City Civil Court, Hyderabad, in the pending suit O.S.No.590 of 2011.

2. Heard learned counsel for the revision petitioner, who sought impleadment in I.A.No.2678 of 2012 that was stated allowed and that she is on record as defendant No.6 in the suit.

3. The respondents herein are plaintiff and other defendant Nos.1 to 5. The direction obtained covered by the impugned order before the lower Court by endorsing, respondent Nos.2 to 5/defendant Nos.1 to 4 are not necessary parties in seeking the relief against defendant No.5/respondent No.6 is to deposit the amount of rent. The claim of the implead petitioner is that she purchased the property from the plaintiff and defendant Nos.1 to 4 and their father way back in the years 1985 and 1988 respectively in relation to the property in question and defendant No.5 is the tenant of the revision petitioner impleaded as defendant No.6 of the suit. The order of deposit thereby contended as unsustainable. It is her case that the tenant was earlier paying the rents to her and because of the direction he deposited for some time and otherwise he is paying rents to her.

4. The matter need not be kept pending by ordering notice at this stage, much less to come in the way for disposal of the suit

O.S.No.590 of 2011, where the petitioner as defendant No.6 is contesting, that too, when it is only a direction to deposit the amount and who are entitled to the amount whether by plaintiff or by defendant No.6, the trial Court can consider for which, liberty is given to the petitioner to file application, by virtue of this order, under Order XV-A and Section 151 C.P.C., leave about any execution petition stated pending against defendant No.5 by the plaintiff left open to question the very executability for recovery of the amount for no order covered by the impugned order, dated 13.08.2013, to pay any amount to the plaintiff, much less to maintain execution petition and the executability can be decided under Section 47 C.P.C. by the Executing Court.

5. With these observations and without prejudice to the rights available of all the parties to the suit, the civil revision petition is closed.

Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

Dr. B. SIVA SANKARA RAO, J

5th December 2017.

Note:

Issue C.C. by 6.12.2017

(b/o)
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