

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.2741 OF 2017

DATED:23-06-2017

Between:

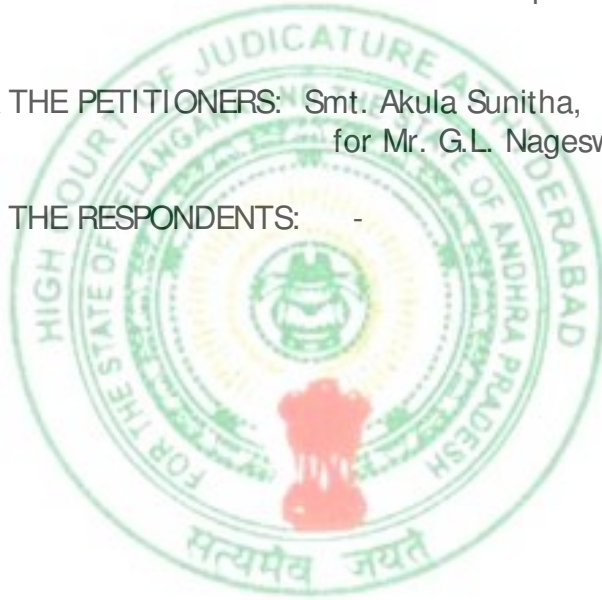
M/s. Dama Real Estates & Builders
Represented by its Managing Partner
Dama Subba Rao
and others ... Petitioners

And

Moradmpudi Krishna Rao
and others ... Respondents

COUNSEL FOR THE PETITIONERS: Smt. Akula Sunitha,
for Mr. G.L. Nageswara Rao

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

The petitioners, who are third parties to O.S. No.42 of 2006 on the file of the VI Additional District Judge, Visakhapatnam, filed by respondent Nos.1 to 3, for certain declaratory relief in respect of the sale deeds executed in favour of defendant Nos.1 to 3 and 6 and 7, and for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit schedule properties, filed I.A. No.352 of 2017 under Order I Rule 10 of the Code of Civil Procedure, 1908 (CPC) for their impleadment. In support of the said application, they have *inter alia* stated that after the suit was filed they have persuaded the plaintiffs and the defendants to resolve their disputes and accordingly they have entered into a Memorandum of Understanding (MOU) on 09.05.2016, that in order to give effect to the MOU and to ensure that the suit is disposed of in terms of the said MOU, they filed the said I.A. for their impleadment. The Court below, however, dismissed the said I.A.

Under Order I Rule 10 of the Code of Civil Procedure, 1908, the Court is vested with the discretion to add any person who is either necessary or proper party, or struck off any party from the array of the parties to the suit. A person is entitled to get impleaded in the suit where his interests may be affected by the outcome of the suit or his presence is necessary for proper and effective adjudication of the suit. Admittedly, the petitioners have nothing to do with the sale deeds in respect of which the relief is claimed by the plaintiffs. Therefore, the result of the suit would not affect the interests of the petitioners. As regards the second ground for impleadment, namely, for proper and effective adjudication of the suit, being third parties their presence does not in any manner help the Court adjudicate the suit in a better manner. In these facts of the

case, I do not find any reason for the petitioners to come on record in the suit. If the petitioners have entered into a compromise with both parties to the suit, they shall be free to persuade the latter to settle their disputes by filing an appropriate joint memo in the suit.

Subject to the liberty given to the petitioners as above, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.3618 of 2017 filed by the petitioners for interim relief shall stand disposed of as infructuous.

23-06-2017

bnr

C.V. NAGARJUNA REDDY, J

