

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

CIVIL REVISION PETITION No.1084 of 2017

09.06.2017

Between:

Vurukutla Amarsimha and others

..Petitioners

and

Padilam Venkateswara Rao and others

..Respondents

Counsel for the petitioners: Mr.G.Rama Gopal

Counsel for respondent Nos.1 and 2: Mr.B.V.Rama Rao

Counsel for respondent Nos.3 and 4: --

The Court made the following:



ORDER:

This civil revision petition arises out of order, dated 02.02.2017, in I.A.No.1278 of 2016 in O.S.No.154 of 2013 on the file of VII Additional District Judge, (Fast Track Court) Visakhapatnam.

2. I have heard Mr.G.Rama Gopal, learned counsel for the petitioners, and Mr.B.V.Rama Rao, learned counsel for respondent Nos.1 and 2.

3. Respondent Nos.1 and 2 filed the aforementioned suit against respondent Nos.3 and 4 for declaration of title and permanent injunction in respect of the suit schedule property. The petitioners, who are third parties to the said suit, filed I.A.No.1278 of 2016 for their impleadment by pleading that they have purchased the suit schedule property under two registered sale deeds, dated 26.02.2011, from the defendants. The Court below has dismissed the said application mainly on the ground that no piece of paper was filed by the petitioners in support of their plea that they have purchased the suit schedule property.

4. The petitioners have filed C.R.P.M.P.No.1844 of 2017 for receiving the certified copies of sale deeds bearing document Nos.599 and 600, dated 26.02.2011, and marking them as Exs.A-1 and A-2. A perusal of these sale deeds would support the plea of the petitioners that they have purchased the suit schedule property. However, this Court is not inclined to render a conclusive finding thereon. As, *prima facie*, it appears that the petitioners have purchased the suit schedule property under two registered sale deeds more than two years prior to the filing of the suit, refusal to implead them may result in grave failure of justice. However, at the same time, the petitioners were not diligent in filing the copies of such sale deeds before the Court below.

5. In the aforementioned facts and circumstances of the case, while I am not inclined straight away order impleadment of the petitioners, they are, however, permitted to file a fresh I.A. along with the certified copies of the sale deeds for their impleadment within a period of four weeks from today. If such I.A. is filed, the Court below shall dispose of the same, after hearing both the parties, within a period of eight weeks thereafter. It is needless to observe that if the petitioners fail to file the I.A. within the above stipulated time, their right to file fresh I.A. would stand forfeited.

6. Subject to the above observations, the Civil Revision Petition is disposed of.

7. As a sequel to disposal of the C.R.P., C.R.P.M.P.No.1436 of 2017 filed by the petitioners for interim relief shall stand disposed of as infructuous.



C.V.NAGARJUNA REDDY, J

09th June, 2017
GHN

