

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 5801 of 2016

ORDER:

1) Aggrieved by the order, dated 22.09.2016, passed in I.A.No.90 of 2014 in O.S.No.52 of 2014 on the file of the VIII Additional District Judge, Chittoor, wherein an application filed under Order I Rule 10 of C.P.C., to implead the proposed parties as defendants 3 to 7, was allowed, the plaintiffs filed the present Civil Revision Petition, under Article 227 of the Constitution of India.

2) The petitioners/plaintiffs filed O.S.No.52 of 2014 for injunction and declaration of title. Pending the suit, I.A.No.90 of 2014 came to be filed by the proposed parties to implead themselves as defendants 3 to 7, stating that the grand father of the proposed parties by name Chinnaiah @ Chiddaiah purchased land to an extent of Ac.2.36 cents in Sy.No.188/6 from Munaswamy under a registered sale deed dated 26.10.1951. Since then he is in possession and enjoyment of the same and he has not alienated the said land to anyone. The said Chinnaiah had three sons by name Varadaiah, Rathnam and Doraswamy. Rathnam's Branch settled in Bhilai and Hyderabad recently. The third branch is represented by Kannan, Papu @ Laxmi and Manikyam. The children of Varadaiah and Doraswamy filed the present petition contending that the property is a joint family

property and no one can claim any right over the said property. Without impleading the proposed parties the plaintiffs are laying un-necessary claim over the lands in Sy.No.188/6 and the proposed parties are rightful owners of the said land. The allegation of interference is created for the purpose of filing the present petition.

3) A counter came to be filed by the plaintiffs contending that the proposed parties are strangers to the plaint schedule properties and they are the henchmen and followers of defendants. In order to protract the suit, the defendants have set up the petitioners.

4) After hearing both the parties, the trial Court allowed the petition. Challenging the same the present revision is filed.

5) A perusal of Order 1 Rule 10 of the CPC would show it is open to the Court to add any such person as necessary party in the suit, so as to enable the Court to effectively adjudicate the questions involved in the suit. Under Order 1 Rule 10 of C.P.C., impleadment can be ordered by the Court when it finds that in the absence of the applicant seeking impleadment as party to the suit, the controversy raised in the suit cannot be effectively and completely settled.

6) A reading of the affidavit and the counter make it clear that the proposed parties are also claiming a portion of land in Sy.No.188/6. The claim of the proposed parties is that they are

children of Varadaiah and Dorasamy. It is stated that the plaintiffs have not added them as parties only with an intention to obtain order behind their back. It is to be noted that no prejudice would be caused to the plaintiffs, if they are added as defendants in the suit. Since the claim made by the plaintiffs would be based on the documents filed and the evidence adduced, there is nothing wrong in allowing the proposed defendants to come on record, so as to prove their case. Hence, this Court is of the view that the order under challenge, wherein the proposed respondents are made as parties to the proceedings, as defendant Nos.3 to 7, warrants no interference. For the aforesaid reasons, I see no merits in the revision and the same is liable to be dismissed.

7) Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

8) As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

C. PRAVEEN KUMAR, J

20.02.2017
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