

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.5015 of 2017

ORDER:

Heard counsel for petitioner, Sri G.Jagadeeswar, Counsel for 1st respondent, Sri P.Ganga Rami Reddy, Counsel for respondents 2 and 3 and Sri M.S.R.Srinivas, counsel for 4th respondent.

2. In this Revision, order dt.21.08.2017 in I.A.No.459 of 2012 in O.S.No.3 of 2009 of the Senior Civil Judge, Srikalahasthi is questioned.

3. Petitioner in this Revision is a third party to the above suit.

4. 1st respondent herein filed the said suit against the respondents 2 to 4 for declaration of his title to the plaint schedule property and for permanent injunction.

5. According to the plaint schedule, subject property is located in survey No.275/1 in Ward No.9 of Gopalavanam Area, Srikalahasthi Municipality and Town, Srikalahasthi Sub-District, Chittoor District.

6. Petitioner herein filed I.A.No.459 of 2012 to implead him as a party defendant in the suit claiming that he purchased under registered sale deeds dt.09.04.2009 and dt.24.10.2009 some properties in survey No.265/3B and 265/2, respectively.

7. Petitioner's contention is that the properties purchased by him are subject matter of the above suit.

8. This contention was opposed by the 1st respondent specifically contending that the properties claimed by the petitioner are different from the plaint schedule properties. Alternatively, it was also contended that the petitioner was a practicing advocate in Srikalahasti, that he purchased the property *lis pendens*, and that he is not a *bonafide* purchaser in good faith for valuable consideration.

9. By order dt.21.08.2017, the Court below dismissed the said application. It held that the particulars of the plaint schedule property and the particulars of the property mentioned in the sale deeds under which the petitioner claims to have purchased the property are not one and the same, and that the survey numbers, ward numbers and boundaries are totally different. It further held that there was *status quo* order in an Injunction Application No.20 of 2009 on 05.1.2009 and since the petitioner purchased the property in violation of the *status quo* order, he is not entitled to be impleaded.

10. Assailing the same, this Revision is filed.

11. Though counsel for petitioner sought to contend that petitioner is entitled to be impleaded as a party in the suit and that he would be gravely affected by the outcome of the suit,

I am unable to agree with the said contention, for the reason that the plaintiff/ 1st respondent had sought relief in the suit in regard to land in survey No.275/1, while properties purchased under the sale deeds dt.09.04.2009 and dt.24.10.2009 by the petitioner relate to survey No.265.

12. Therefore, I find no error of jurisdiction in the order passed by the Court below refusing to implead the petitioner in the above suit.

13. Accordingly, this Civil Revision Petition is dismissed. No costs.

14. Miscellaneous petitions, pending if any, shall stand closed.

27th November, 2017.

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M.S.RAMACHANDRA RAO, J

