

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

CIVIL REVISION PETITION NO.1473 OF 2017

DATED:02-06-2017

Between:

Charakana Venkata Rao ... Petitioner

And

Banka Appa Rao
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Ravi Cheemalapati

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.31.10.2016 in I.A. No.287 of 2016 in O.S. No.407 of 2007, on the file of the II Additional Junior Civil Judge, Bheemunipatnam.

The petitioner filed the aforementioned suit for injunction simpliciter against respondent Nos.1 to 4. Evidently, during the pendency of the suit, the said respondents have sold the property to respondent No.5. Seeking impleadment of the said respondent, the petitioner filed the aforementioned I.A. The Court below has dismissed the same mainly on the ground that the petitioner has not filed the alleged sale deed in favour of respondent No.5. Feeling aggrieved by the said order, the petitioner filed this revision petition.

I have heard the learned counsel for the petitioner and perused the record. Though this Court is not in agreement with the reasoning on which the Court below has dismissed the application, it is of the opinion that once respondent Nos.1 to 4 sold away the property to respondent No.5, nothing remains in the suit filed for injunction against them, as, the relief of injunction is one in personam and with the alienation of the property in favour of respondent No.5, respondent Nos.1 to 4 have lost their interest in the property. Therefore, a fresh cause of action arose against respondent No.5. In this view of the matter, it is wholly unnecessary to the petitioner to implead respondent No.5 in the present suit. Instead, the petitioner is given liberty to file a fresh suit against respondent No.5.

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

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.1947 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

02-06-2017

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