

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.4837 OF 2016

O R D E R

The petitioner is a third party to O.S.No.986 of 2000 on the file of the learned Principal Junior Civil Judge, Ranga Reddy District at L.B.Nagar. He filed I.A.No.456 of 2016 in the said suit under Order 1 Rule 10 CPC seeking to be impleaded as the 33rd defendant therein. By order dated 08.08.2016, the trial Court dismissed the I.A. Aggrieved thereby, he filed this revision under Article 227 of the Constitution.

As respondents 1 to 25 in this CRP, the plaintiffs in the suit, did not choose to enter appearance before this Court despite service of notice, this Court granted interim stay of further proceedings in the suit *vide* order dated 11.11.2016.

The same situation continues even as on date and there is no representation for respondents 1 to 25/plaintiffs.

Perusal of the record reflects that the suit was decreed in the first instance in the year 2002 but upon appeal, it was remanded for consideration afresh to the trial Court. Thereafter, 32 defendants were added. The petitioner herein now seeks to come on record as the 33rd defendant. The only reason for the trial Court to disallow his application seems to have been the fact that he claimed his rights under the plaintiffs and not against them and therefore, his participation in the suit had no beneficial effect on the adjudication thereof. As his plea was the same as that of the plaintiffs, the trial Court opined that his presence was not necessary for deciding the issues involved in the suit.

Sri Ashok Reddy Kanathala, learned counsel for the petitioner, would however state that as the petitioner purchased a plot from the vendee of the plaintiffs in the year 2005 and has independent rights therein by virtue thereof, he is a proper party to the suit. The learned counsel would state that though the plaintiffs are prosecuting the suit, it would always be open to his client to protect his own interest by independently participating in the suit proceedings.

Though the trial Court was correct in holding that the petitioner was not a necessary party to the litigation, it cannot be disputed that he is a proper party as he claims rights in one of the plots sold by the plaintiffs and a decision on the suit claim would have an impact on such rights. That being so, this Court is of the opinion that the trial Court ought to have been more liberal in dealing with the impleadment application filed by the petitioner. All the more so, as 32 defendants were added in the suit after remand and no harm would have been caused by adding one more defendant.

The civil revision petition is accordingly allowed and in consequence, I.A.No.456 of 2016 in O.S.No.986 of 2000 on the file of the learned Principal Junior Civil Judge, Ranga Reddy District at L.B.Nagar, is also allowed. The trial Court shall implead the petitioner herein as the 33rd defendant in the suit and proceed with the matter in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

2nd FEBRUARY, 2017

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