

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CRP No.1333 of 2017

ORDER:

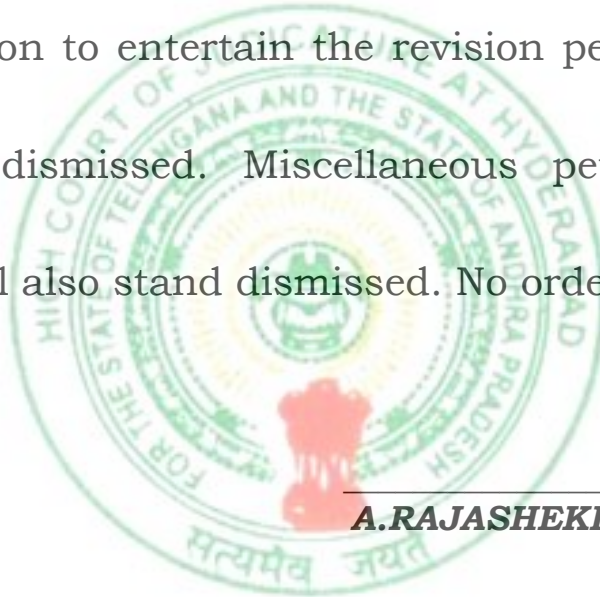
The petitioner is a third party to the EP proceedings being EP No.17 of 2015. Petitioner sought to implead himself in the EP proceedings on the ground that he is one of the tenant of the suit property which is subject matter of EP and that he was not aware of the proceedings between the plaintiff and defendants in suit OS No.31 of 2003, (wrongly mentioned both by the 1st appellate Court in appeal being AS No.9 of 2007 and by the executing Court as OS No.3 of 2003 instead of OS No.31 of 2003). The 1st respondent-plaintiff filed the above suit seeking for eviction of respondents-defendants 2 to 9 (R2, since deceased, represented by LRs. R-5 to R-9) which was dismissed by the trial Court, and the same was appealed against in the 1st appellate Court in AS No.9 of 2007. The 1st appellate Court by order dated 16-08-2010 reversed the order of the trial Court and allowed the appeal directing the defendants to vacate the suit house and

deliver vacant possession to the plaintiff-1st respondent within three months from the date of the order. As the defendants failed to do so, EP proceedings were initiated by the plaintiff and while so the present EA came to be filed by third party claiming to be tenant of the suit property by relying on a decision reported in AIR 1997 SC 856 wherein the Supreme Court ruled that an obstruction made by a stranger in possession cannot be said that he can get his claim adjudicated only after losing possession, and that the stranger can get his claim adjudicated even prior to losing possession to decree holder.

2. The trial Court while dismissing petition categorically found that no proof worth inspiring the confidence of the Court is produced by the petitioner to show that he has been the tenant of the suit property and moreso he has kept quiet all these years. It was also observed that the petitioner has come up with this petition in collusion with the defendants, only to protract the proceedings and not allow the plaintiff to enjoy the fruits of the decree.

3. Heard learned counsel of the petitioner. Perused the impugned order.

4. Nothing new is pointed out by the learned counsel for the petitioner to take a different view than the view taken by the trial Court in dismissing the instant implead petition. There are no merits in the revision to interfere with the impugned order. In the circumstances, I do not see any reason to entertain the revision petition and it is accordingly dismissed. Miscellaneous petitions, if any pending shall also stand dismissed. No order as to costs.



A.RAJASHEKER REDDY, J

Dated: 15-03-2017
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