

HON'BLE SRI JUSTICE G. SHYAM PRASAD

C.R.P. NO.5511 OF 2016

ORDER:

This revision petition is filed by the petitioners aggrieved by the orders dated 17.08.2016 passed in I.A.No.873 of 2015 in O.S.No.118 of 2007 by the Principal Junior Civil Judge, Bobbili.

2. I.A.No.873 of 2015 is filed under Order I Rule 10 of CPC for adding the proposed parties as defendants 7 to 14 in the suit and for consequential amendments. On consideration of the merits of the petition, the trial Court dismissed the petition.

3. The revision petitioners herein seeks to set aside the impugned orders passed by the trial Court in the said I.A. on the ground that the proposed respondents are the joint family members.

4. Heard the learned counsel for the petitioners Sri Kuriti Bhaskara Rao and the learned counsel for the respondents Sri Taddi Nageswara Rao.

5. During the course of arguments, the learned counsel for the respondents Sri Taddi Nageswara Rao pointed out that the petitioners have not brought on record with particular shares for which they are entitled to get in the partition and other particulars which are required for partition of the suit. On that, the learned counsel for the petitioners requested time to file an affidavit. The affidavit has been filed giving some particulars with regard to proposed respondents.

6. The learned counsel for the respondents submits that the particulars furnished by the petitioners are insufficient for effecting the partition. Learned counsel further submits that the petitioners have been trying to protract the trial by filing one or another petition and this is one such a

petition. The learned counsel submits that in the event of allowing this petition, requested to fix up time schedule for early disposal of the suit.

7. On consideration of the arguments of both sides, it is obvious that the proposed respondents are said to be the family members of the plaintiff. As per Order I Rule 10 of C.P.C. all the legal representatives have to be brought on record in the suit for partition to avoid multiplicity of the proceedings. The rights of the parties would be protected basing on the evidence produced before the trial Court.

8. In view of the representation made by the learned counsel for the respondents that the parties are unable to enjoy the fruits of the property, it is appropriate to give a direction to the trial Court to dispose of the suit within six months without fail.

9. In the result, the revision petition is allowed with a direction to the trial Court to dispose of the suit within six months by permitting the proposed respondents to add as parties in the suit. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending in this revision petition shall stand closed.

G. SHYAM PRASAD, J

Date: 03.02.2017.
ccm

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