

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.4847 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, came to be filed by the petitioners against the order dated 02.03.2016 passed in I.A.No.1064 of 2014 in O.S.No.60 of 2012 by the Principal Junior Civil Judge, Puttur.

Heard Sri T.C.Krishnan, learned counsel for the petitioners, and Sri T.Janardhan Rao, learned counsel for respondents 2 and 3. *In spite* of service of notice, there is no representation on behalf of the 1st respondent.

Petitioners herein filed I.A.No.1064 of 2014 before the Court below invoking the provision under Order 1 Rule 10 and Section 151 of the Code of Civil Procedure read with Section 28 of Civil Rules of Practice seeking to add them as defendants 5 to 10 in O.S.No.60 of 2012. Vide *impugned* order, the Court below rejected the request of the petitioner. Aggrieved by the same, present CRP is filed.

As seen from the material on record, 1st respondent herein filed O.S.No.60 of 2012 against respondents 1 to 4 herein for relief of permanent injunction in respect of plaint schedule properties. When the main suit was coming up for framing of issues, *impugned* application came to be filed, to permit the petitioners to come on record. The Court below rejected the request of the petitioners on the ground that they did not file any piece of

document to show that they are in possession and enjoyment of
plaint 'D' schedule property.

However, as seen from the averments made in the affidavit
filed in support of the application before the Court below as well as
from the arguments of the learned counsel for the
revision petitioners, petitioners 1 to 4 are the legal heirs of
M.Rajeswaramma, who was arrayed as D-4. Likewise, petitioners
5 and 6 are the legal heirs of T.Jayalakshamma, who was
arrayed as D-3 in the main suit. The said facts are not disputed
by the learned counsel appearing for respondents 2 and 3. In that
view of the matter, it would be just and necessary to permit the
petitioners to come on record to contest the main suit.
Considering the same and since the main suit is at the stage of
framing of issues, this Court is of the view that the order of the
Court below needs to be interfered with.

Accordingly, the Civil Revision Petition is allowed by setting
aside the order dated 02.03.2016 passed in I.A.No.1064 of 2014 in
O.S.No.60 of 2012 by the Principal Junior Civil Judge, Puttur.

Consequently, miscellaneous petitions pending in this
revision, if any, shall stand closed. No costs.

C. PRAVEEN KUMAR, J

23.02.2016
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