

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRP.NOS.4554, 4588, 4927, 4961 AND 5807 OF 2015

COMMON ORDER

With the consent of the learned counsel for the respective parties, all the revision petitions are being disposed of by this common order.

It is resolved by the parties that Gamini Kasi Vishweswara Rao, the nephew of deceased 7th plaintiff, who is already on record as plaintiff No.5 in the suit, by bringing him again on record as the alleged legal representative of 7th plaintiff, under will or under codicil, will not create any right thereunder, unless and until his legal right is declared in appropriate proceedings.

It is also resolved that if the plaintiff No.13 is brought on record, he shall also not claim any legal right on simply being impleaded in the proceedings, unless and until his rights are decided in appropriate proceedings.

The proceeding before the court below is a suit for grant of permanent injunction against the Government. Therefore, as rightly opined by the court below vide order dated 21.8.2015 that the present suit is for limited purpose of seeking permanent injunction against the District Collector, Revenue Divisional Officer and others and the court is not going to conduct roving enquiry about the succession and devolution of the property. It is further recorded that it is not the concern of the said court to decide whether the will or codicil is correct or not. The court below has rightly expressed no opinion while permitting the 5th plaintiff to represent the deceased 7th plaintiff in the suit.

In view of the resolution of the parties, I hereby make it clear that neither the plaintiff No.5, nor the proposed plaintiffs will claim any legal right on being only impleaded to come on record to represent the deceased 7th plaintiff, until and unless their legal rights are proved under the will or under the codicil, in an appropriate forum.

In view of the above, the proposed parties are impleaded as plaintiffs 8 to 13 in the suit. The order dated 21.8.2015 in I.A.No. 501 of 2015 in O.S.No.1043/2007 is set aside and the revision in C.R.P.Nos.4961 of 2015 is allowed. Consequently, the orders dated 21.8.2015 and 5.6.2015 in I.A.Nos.150/2015 and 236 of 2015 respectively in O.S.No.1043/2007 are confirmed and the revisions in C.R.P.Nos.4554, 4588, 4927 and 5807 of 2015 are disposed of accordingly.

No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

SURESH KUMAR KAIT,J

DATE:03—01—2017

AVS