

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 6087 of 2017

ORDER:

This Civil Revision Petition is filed against the docket order, dated 04.08.2017, passed by the learned Senior Civil Judge, Gooty, dismissing I.A.No.260 of 2014 in O.S.No.114 of 2008, filed by the petitioners-plaintiffs for impleading the proposed parties as respondent Nos. 4 to 9 in the suit.

The petitioners state that husband of petitioner No.1 and father of petitioner Nos.2 to 6, C.A.Rahman, purchased land admeasuring Ac.1.53 cents from one K.Kesappa, who is the father of defendant No.3 and one K.Gampaiah, husband and father of respondent Nos.1 and 2 respectively, through registered sale deed dated 10.09.1984. The Government on finding that respondent Nos.1 to 3 were not entitled to sell the said land as it was an assigned land, recovered the possession of the land from the petitioners and re-entrusted to respondent Nos.1 to 3. At that stage, the petitioners filed the above said suit against respondent Nos.1 to 3—defendants for declaration of title and recovery of possession. The suit is at the stage of arguments. At that stage, it came to the knowledge of the petitioners that on 05.06.2002, respondent Nos.1 to 3 executed sale deed in favour of respondent Nos.4 to 9. Therefore, the petitioners filed I.A.No.203 of 2012 seeking to implead proposed respondent Nos.4 to 9 as defendant Nos.4 to 9 in the suit. The said application came to be

dismissed by the Court below on 12.07.2013. Questioning the same, C.R.P.No.4014 of 2013 was filed by the petitioners before this Court and the same was withdrawn. This Court granted liberty to the petitioners to file appropriate application before the Court below. Pursuant to the same, the petitioners filed the present I.A. The Court below on finding that the contents of the present I.A. and I.A.No.203 of 2012 are one and the same, dismissed the present I.A. Hence, this revision.

Learned counsel for the petitioners would submit that as the petitioners would have to necessarily initiate proceedings against respondent Nos.4 to 9, they filed I.A.No.260 of 2014 and dismissal of the same by the order under revision would create multiplicity of litigation, and they would be put to irreparable loss. Therefore, he prays for allowing the I.A. on some terms.

Learned counsel for respondent Nos.1 to 3, on the other hand, opposed the Civil Revision Petition and submits that the Court below after verification of both the affidavits filed in support of I.A.Nos.260 of 2014 and 203 of 2012, categorically found that there is no variation and rightly passed the order under revision.

Having perused the affidavits filed in support of I.A.Nos.203 of 2012 and 260 of 2014, this Court finds that there is absolutely no difference with respect to the contents thereof. It may be noted that the petitioners sought leave of this Court to withdraw C.R.P.No.4014 of 2013 with liberty to file an application, but, they had not withdrawn I.A.No.203 of 2012. Therefore, it can be said

that the order in I.A.No.203 of 2012 had attained finality. Even on that ground, though not mentioned by the Court below in the order under revision, the Civil Revision Petition is liable to be dismissed.

There being no merit, the Civil Revision Petition is dismissed. No costs.

Miscellaneous petitions, if any pending shall stand disposed of.

Dt:20.12.2017

kdl

CHALLA KODANDA RAM, J

