

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P. No.6246 OF 2017

ORDER:

Heard Mr.Surender Reddy for petitioners. The plaintiffs in O.S. No.5 of 2011 in the Court of Junior Civil Judge, Vemulawada are the revision petitioners. The revision petitioners filed I.A. No.338 of 2017 to implead Madari @ Madhire Dharmaiah and Challa Laxmi as defendants 3 and 4 in the suit. The revision petitioners filed suit for declaration of title and perpetual injunction. The 1st respondent being the contesting party filed written statements about six years back. This Court would not prefer to get into the merits of the case pleaded even by the 1st respondent, but the fact remains for consideration is that at the earliest point of time, it was disclosed that defendants 1 and 2 claim to have purchased from defendant No.3 who in turn claims to have purchased the property from the father of plaintiffs. The learned Trial Judge, while disposing of the interlocutory application has taken sufficient pains, referred to each one of the averments in the affidavit and the counter affidavit and framed the following point, namely, whether the respondents/proposed defendant Nos. 3 and 4 are necessary or proper party and they should be impleaded as defendant Nos. 3 and 4?

The said point is answered in the negative.

The reasons of the trial Judge are tenable and that the contention of Mr.Surender Reddy that by impleading defendants 3 and 4 in the suit at this point of time does not cause prejudice to

any party even assuming that there is some delay and, according to him, the delay by itself is not a reason to reject the prayer for impleadment of proposed parties. The contention of counsel for petitioners, if can be traced to the order impugned in the CRP, there is necessity to consider the merits of such submission. In the case on hand, the findings recorded by the trial Court are that the proposed parties are not necessary or proper. Once it appears that the jurisdiction or for that matter discretion is exercised in the right perspective, this Court is not persuaded to admit the civil revision petition. The revision petition fails and is accordingly dismissed. It is made clear that the prayer for impleading defendants 3 and 4 is rejected. The plaintiffs, if have a cause against the proposed parties, the same is left open for consideration in a separate suit. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 17.11.2017

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