

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6945 of 2017

Order:

Aggrieved by an order of the Trial Court impleading the petitioner as the 10th defendant in the suit, the proposed party has come up with the above revision.

2. The 1st respondent herein filed a suit in O.S.No.73 of 2009 on the file of the XIII Additional District Court, Vijayawada, for a declaration of title and for a declaration that certain sale deeds executed in favour of the defendants 4 and 5 to 9, were null and void. In fact, the defendants 5 to 9 were the wife and children of one late Padala Surya Rao. After the filing of the suit, the 1st respondent/plaintiff took out an application for impleading the petitioner herein, who was also admittedly the son of Padala Surya Rao. Unfortunately, the application was filed by quoting a wrong provision of law under Order XXII, Rule 4 C.P.C., despite the fact that the father of the petitioner was not a party to the proceedings.

3. However, the Trial Court allowed the application on the ground that quoting of wrong provision of law cannot be a bar for granting relief. Aggrieved by the said order, the petitioner is before me.

4. It is admitted by the petitioner that he is the son of Padala Surya Rao. The petitioner's mother and other siblings are already impleaded as defendants 5 to 9 in the suit. The petitioner claims to be in possession of the suit property.

Therefore, it is better for him, for the plaintiff and for the Court that he comes on record and the litigation is not allowed to be multiplied. Hence, the civil revision petition is dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

15th December, 2017.
Ak



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6945 of 2017



15th December, 2017.
(Ak)