

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.6587 of 2017

ORDER:

Sri K. Srinivas, learned counsel, filed vakalat for R1.
Sri L. Ramdas and Sri T. Dhanalaxmi, filed vakalt for respondents 3 &4.

2. Heard both sides.

3. Civil Revision Petition is filed by the petitioners aggrieved by the order dated 13.11.2017 in I.A.No. 591/2017 in O.S.No. 70 of 2017 passed by the learned Judge, Family Court-cum- VIII Additional Sessions Judge, Mahabubnagar, whereunder the petition filed by the petitioners to implead them as defendants 4 & 5 was dismissed.

4. O.S.No. 70 of 2017 is filed by the first respondent against respondents 2 to 4 seeking decree of specific performance of an agreement of sale dated 11.8.2017. Pending the said suit, the petitioners filed I.A.No. 591 of 2017 to implead them as party defendants 4 & 5 on the plea that the petitioners have entered into an agreement of sale dated 25.7.2017 and their sale agreement was prior to the alleged sale agreement dated 11.8.2017. Respondents 1 to 4 filed counters and opposed the said petition stating that they have compromised the matter and the petition is not maintainable. The trial Court dismissed the

petition holding that the respondents/defendants entered into compromise in respect of the suit agreement of sale and therefore, the petition basing on agreement of sale dated 25.7.2017 is not maintainable. Aggrieved, the present Civil Revision Petition is filed by the petitioners/proposed defendants 4 & 5.

5. When the matter came up for hearing, it is submitted by the counsel for first respondent/plaintiff that pursuant to the compromise, trial Court decreed the suit as against respondents 3 & 4/D2 and D3 and suit is pending so far as respondent No. 2/D1 is concerned and since he is a minor, petition for permission to alienate his share of the property is pending with the District Court, Mahabubnagar. He further submitted that in fact the revision petitioners have filed a separate suit O.S.No. 91 of 2017 before the Family Court, Mahabubnagar, seeking specific performance of agreement of sale dated 17.12.2017 against respondents 2 to 4/defendants 1 to 3 and he also added respondent No. 1 and the said suit is pending. Admitting the same, learned counsel for petitioners/proposed defendants 4 & 5 would submit that he would take appropriate steps for incorporating the relief in the said suit to the effect that the compromise decree obtained by the respondents is not binding on

them. He would submit that he has no objection for dismissal of the Civil Revision Petition.

6. Recording his submission, the Civil Revision Petition is dismissed as infructuous. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

Date: 18.12.2017
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U.DURGA PRASAD RAO, J

