

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION Nos.154 & 170 of 2018

COMMON ORDER:

Since the point involved in both these Civil Revision Petitions is the same, this Court deems it appropriate to dispose of these two Civil Revision Petitions by way of this common order.

The husband of the petitioner No.2 filed the present suit on the file of the learned Junior Civil Judge, Pathikonda for injunction. According to the petitioners, the first petitioner's husband died on 15.09.2017 pending the suits. Thereupon the present applications i.e. I.A.Nos.813 and 797 of 2017 were filed in O.S.Nos.221 and 90 of 2007 respectively, under the provisions of Order XXII Rule 3 CPC, seeking permission of the Court below to come on record as plaintiff Nos.2 to 4 in the suits and to prosecute the proceedings. The learned Judge, by way of the orders impugned, partly allowed the applications, permitting Smt.P.Mallamma to come on record as the second plaintiff and to prosecute the suits. According to the learned counsel for the petitioners the learned Junior Civil Judge ought to have permitted the rest of the petitioners also to come on record to prosecute the suits. It is the further submission of the learned counsel that the deceased-Sri P.Sreenivasulu bequeathed the subject property in favour of his adopted son, Sri P.Krishna, as such, atleast to

the extent of the adopted son, the Court below should have allowed the applications.

A perusal of the orders impugned shows that the learned Junior Civil Judge permitted the first wife of the plaintiff to come on record to prosecute the suits. The fact remains that these are the suits only for the relief of bare injunction. It is also clear from the impugned orders that the Court below refused the relief in favour of the rest of the petitioners by assigning cogent and convincing reasons. Admittedly, the Will, now sought to be pressed into service before this Court for the first time, was not produced before the Court below. Therefore, the orders passed by the Court below cannot be faulted by any stretch of imagination.

For the aforesaid reasons, the Civil Revision Petitions are dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

16th February, 2018
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