

HON'BLE SRI JUSTICE N.BALAYOGI

CIVIL REVISION PETITION No.660 of 2016

ORDER:

As per memo dated 07.04.2016, notices were served to all the respondents, but none appeared nor filed Vakalat on their behalf.

This Civil Revision Petition is filed aggrieved by the order dated 05.01.2016 passed in I.A.No.1521 of 2015 in O.S.No.147 of 2012 on the file of Senior Civil Judge, Pithapuram, East Godavari District.

Petitioners herein are the plaintiffs in the suit in O.S.No.147 of 2012. They filed the suit for declaration of title and consequential possession. Petitioners filed I.A.No.1521 of 2015 seeking to implead Gram Panchayat, Ameenabada rep. by its Sarpanch, U.Kothapalli Mandal (respondent No.6) as defendant No.6 in the suit and amend the plaint.

Respondents, in the counter affidavit filed in I.A.No.1521 of 2015 in O.S.No.147 of 2012, pleaded that the schedule property originally belonged to the Gram Panchayat, that the Gram Panchayat was in possession and enjoyment, that the petitioner did not add the Gram Panchayat as a party, that the evidence of DW.1 clearly elicited that the subject property originally belonged to the Gram Panchayat and that the petitioner filed I.A.No.1521 of 2015 to implead Gram

Panchayat, Ameenabada rep. by its Sarpanch (respondent No.6) as defendant No.6 in the suit and amend the plaint.

The Trial Court, by the order impugned, observed that, despite a specific pleading in the written statement by the defendant that the schedule property belonged to Gram Panchayat, and was in possession and enjoyment of plaintiff schedule, no steps have been taken by the petitioners; even the Gram Panchayat cannot be represented by its Sarpanch and there is no consequential pleading which is not in accordance with Section 28 of Civil Rules of Practice; and rejected the application.

The prayer in the petition affidavit reads thus:

“May be pleased to implead the Gram Panchayat rep. by its Sarpanch, Ameenabada, U.Kothapalli Mandal, PTPJCJ as 6th defendant by amending the plaint in short cause title and long cause title in the interest of justice”.

Though there is no consequential pleading for amendment, the prayer is to implead Gram Panchayat by amending the plaint in short cause title and long cause title. Hence, the order dated 05.01.2016 passed in I.A.No.1521 of 2015 in O.S.No.147 of 2012 on the file of Senior Civil Judge, Pithapuram, East Godavari District, is set aside and I.A.No.1521 of 2015 is restored to file. The Trial Court, after hearing both sides, shall consider and dispose of the implead

application in I.A.No.1521 of 2015 in O.S.No.147 of 2012 in accordance with law.

The Civil Revision Petition is, accordingly, allowed.
Miscellaneous petitions, if any, pending, shall stand closed.

N.BALAYOGI,J

Dt:14.09.2018
usd

