

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.R.P.No.959 OF 2018

ORDER:

This revision petition is filed under Article 227 of the Constitution of India challenging the order dated 14.12.2017 in I.A.No.323 of 2017 in R.A.No.142 of 2015 passed by the Additional Chief Judge, City Small Causes Court, Hyderabad allowing the application filed under Rule 19(1) of the A.P. Buildings (Lease, Rent and Eviction) Control Rules, 1960 read with Rule 28 of Civil Rules of Practice to implead legal heirs of the deceased 4th petitioner – Jagmohan.

The respondents filed counter contending that the mother of the proposed legal heirs is also proper and necessary party to the rent appeal and that in her absence rent appeal cannot be continued/prosecuted.

The appellate Court allowed the petition without considering the irregularity in prosecution of the proceedings when there is sufficient representation of the deceased Jagmohan, the appeal can be prosecuted. But if it is a serious irregularity, the respondents are entitled to raise such irregularity or illegality in the main appeal. Therefore, leaving it open to the petitioner to raise such contention about the irregularity or illegality in prosecuting the rent appeal without impleading the mother of Jagmohan notwithstanding the finding recorded by the appellate Court.

With the above observation, the revision is disposed of at the stage of admission. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

15.02.2018

Note : Issue c.c. by tomorrow

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