

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

C.R.P.NO.262 OF 2018

ORAL ORDER

The petitioner herein is the plaintiff. He filed the suit in O.S.No.165 of 2010 on the file of Principal District Judge, Guntur, for specific performance of agreement of sale. In the said suit, he filed the present I.A.No.1614 of 2017 in O.S.No.165 of 2010 to implead 15 respondents, as defendants 37 to 51, claiming that they are the *pendente lite* purchasers of the suit schedule property. By the impugned order and decree dated 4.12.2017, the trial court dismissed the I.A. Assailing the same, the present revision is filed.

The learned counsel for the petitioner submitted that during the evidence of defendants, petitioner came to know that the proposed defendants purchased the suit schedule property under registered sale deeds pending the suit. He contended that such sales are hit by Section 52 of the Transfer of Property Act, 1882 (for short 'the Act'). He further contended that no prejudice would be caused to the proposed parties if they are impleaded, and that they are proper and necessary parties to the suit. If the suit is eventually decreed, it will be very difficult for the petitioner to execute the decree in the absence of proposed parties and it leads to multiplicity of litigation. Therefore, the learned counsel for the petitioner sought to set aside the impugned order and to allow I.A.No.1614/2017 in O.S.No.165 of 2010.

From a perusal of the material on record it could be seen that when the suit was at the stage of arguments, in order to introduce facts as to *pendente lite* alienations, petitioner filed I.A.Nos.1496, 1497 and 1498 of

2017 in O.S.No.165 of 2010, for reopening the suit, to recall witness and to receive the documents. After contest, the trial court dismissed the I.As., by order dated 15.11.2017. In the said order, the trial court considering the scope of Section 52 of Act, held that *pendente lite* purchasers are bound by the result of the suit. It was further held that as the suit is of the year 2012, there is inordinate delay on the part of the petitioner in filing the applications. The trial court also found that application for impleadment of the *pendente lite* alienees, was not filed by the petitioner along with other I.As. The order dated 15.11.2017, dismissing the earlier applications, has become final, as no revision was filed. The relief, which the petitioner could not obtain in the earlier applications, cannot seek by filing the present application, which is an after thought and that the order dated 15.11.2017 operates as bar to the present application. Considering these circumstances, in my considered view, the trial court rightly dismissed the application.

Finding no merit in the instant revision, the same is accordingly dismissed at the stage of admission.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

SURESH KUMAR KAIT, J

DATE: 19—01—2018

AVS