

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION NO. 489 OF 2018

ORDER:

Heard the learned counsel for the petitioner.

2. This Civil Revision Petition is directed against the order in I.A.No.966 of 2016 in O.S.No.182 of 2010 on the file of the Senior Civil Judge, Gudur. The petitioners are plaintiffs in the said suit. The said suit was filed for declaration of title and for permanent injunction. The 2nd respondent herein is the sole defendant in the suit. After filing affidavit in lieu of Chief-Examination by PW1, the 1st respondent herein filed the said application seeking impleadment in the said suit on the ground that the sole defendant executed a Registered Gift Deed in her favour on 10.3.2006. The Trial Court allowed the said application by order dated 30.11.2017, and challenging the same, the present Civil Revision Petition is filed.

3. The proposed party filed an affidavit stating that the gift deed was executed by the sole defendant on 10.3.2006 and she was put in possession of the property. But the suit was filed against the defendant who already executed a Gift Deed.

4. A counter was filed stating that there is litigation pending between the proposed party and the plaintiffs since 1.8.2005. Hence, a transaction between the parties is not valid and more

so when the sole defendant and the proposed party are blood relatives. The document was created only to multiply the litigation.

5. The Trial Court considered the said rival contentions and allowed the application with the following observations:

“10. As per the record, the respondents/plaintiffs filed the main suit for declaration of title and recovery of possession against the respondent No.3/defendant. The respondent No.3/defendant filed written statement. Chief affidavit of PW1 was filed. At this stage, the petitioner filed this petition. According to the petitioner, she is the owner and possessor of suit property by virtue of gift deed and she is necessary party. The respondents 1 & 2/plaintiffs contended that the petitioner and respondent No.3/defendant are blood relatives and they created collusive document. The petitioner filed certified copy of gift deed bearing No.536/2006 dated 10.3.2006 and it shows that N.Masthanamma executed gift deed in favour of the A.Sumathi in respect of suit property. It is apparent that the petitioner has some interest over the suit property. So, the petitioner is necessary party to the suit. Therefore, I am of the considered opinion that the presence of the petitioner is necessary to decide the suit. In view of these reasons, I hold that the petitioner is entitled

for the relief as prayed for. The point is answered accordingly.

11. In the result, the petition is allowed without costs and the petitioner is ordered to be impleaded as 2nd defendant in the main suit. The respondents No.1 and 2 shall carry out necessary amendments.”

6. I have carefully gone through the pleadings of the parties and the order of the Trial Court and since the proposed party is claiming under Registered Gift Deed, she has an interest in the property. The observation of the Trial Court for allowing the application does not suffer from any irregularity and this Court sees no ground to interfere with the same.

7. The Civil Revision Petition is accordingly, dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 9.3.2018

KPM