

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.1280 OF 2018

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 04.01.2018 passed in I.A.No.1375 of 2017 in A.S.No.7 of 2015 on the file of the III Additional Chief Judge, City Civil Court at Hyderabad.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that respondent No.6 filed O.S.No.2032 of 1997 on the file of the VII Senior Civil Judge, City Civil Court, Hyderabad, against G.Pochaiah for specific performance and the suit was decreed. Feeling aggrieved by the judgment and decree in O.S.No.2032 of 1997, G.Pochaiah filed an appeal. During pendency of the appeal, the said Pochaiah's whereabouts are not known and the appellate Court, by following due procedure, treated him as dead. Respondent Nos.2 to 5 filed an application to permit them to come on record as appellants. The appellate Court allowed the petition on 13.06.2006. The sons of Pochaiah entered into a compromise with respondent No.6. The petitioner filed I.A.No.1375 of 2017, under Order I Rule 10 read with Section 151 C.P.C., claiming that she is the daughter of G.Pochaiah. The appellate Court, after affording a reasonable opportunity to both parties, dismissed the petition. Hence, the revision.

4. Learned counsel for respondent No.6 seriously disputed the relation of the petitioner with G.Pochaiah.

5. For one reason or other, the petitioner did not choose to file any document to establish her relation with G.Pochaiah. Learned counsel for the petitioner submitted that the impleadment of proposed party is essential for resolving the dispute effectively.

6. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that it is a fit case to remand the matter to the appellate Court to decide whether the proposed party is the daughter of G.Pochaiah or not.

7. In the result, the Civil Revision Petition is allowed setting aside the order dated 04.01.2018 passed in I.A.No.1375 of 2017 in A.S.No.7 of 2015 on the file of the III Additional Chief Judge, City Civil Court at Hyderabad, and remanding the matter to the appellate Court. The appellate Court is directed to receive the documents, if any, filed by the petitioner to establish her stand. The appellate Court is further directed to dispose of I.A.No.1375 of 2017, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of a copy of this order, after affording a reasonable opportunity to both parties. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 07.08.2018

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