

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos. 2894, 2900 and 2969 of
2018

COMMON ORDER:

- 1) C.R.P.No.2894 of 2018 is filed, against the order dated 30.11.2017 passed in I.A.No.1604 of 2017 in O.S.No.105 of 2009 on the file of the IV Additional District Judge, Kakinada, wherein an application filed to implead the proposed parties as defendants 3 and 4 in O.S.No.105 of 2009, was dismissed.
- 2) C.R.P.No.2900 of 2018 is filed, against the order dated 30.11.2017 passed in I.A.No.1516 of 2017 in O.S.No.105 of 2009 on the file of the IV Additional District Judge, Kakinada, wherein an application filed to implead the proposed parties as defendants 3 and 4 in O.S.No.105 of 2009, was dismissed.
- 3) C.R.P.No.2969 of 2018 is filed, against the order dated 30.11.2017 passed in I.A.No.1515 of 2017 in O.S.No.105 of 2009 on the file of the IV Additional District Judge, Kakinada, wherein an application filed to implead the proposed parties as defendants 3 and 4 in O.S.No.105 of 2009, was dismissed.

4) Since the issue involved in both the Civil Revision Petitions, filed under Article 227 of the Constitution of India, is interconnected, they are disposed of by this common order.

5) As seen from the record, preliminary decree in the said suit came to be passed on 01.12.2017. The learned counsel for the petitioners would submit that the application which is filed was to implead themselves in the final decree proceedings as they are proper and necessary parties. But it is to be noted that the petitioners made an application pending decision in the suit, which was disposed of on 01.12.2017. A reading of the impugned order clearly shows that the request of the petitioners was for impleadment in the suit, which has reached its finality. Since the suit itself has reached its finality by way of judgment dated 01.12.2017, nothing survives for adjudication in this Civil Revision Petition. Learned counsel for the petitioners would submit that this application was filed in final decree proceedings. But it is strange as to how such an application could have been filed even before the disposal of the suit. Hence, I see no merit in the revision.

6) Accordingly, the Civil Revision Petitions are dismissed, giving liberty to the petitioners to make a fresh application

seeking their impleadment in final decree proceedings, in which event the same shall be dealt with in accordance with law.

7) As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

28.09.2018
gkv

