

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**

**Civil Revision Petition Nos.1418 & 1419 of 2018**

**Date: 09.03.2018**

**Between:**

Vallabhaneni Madhava Rao and 5 others

**.. Petitioners**

**and**

Rani Kamala Devi and others

**.. Respondents**

**Counsel for the Petitioners : Mr.C.Sumon**

**The Court made the following:**



**Common Order :**

These two Civil Revision Petitions arise out of two separate but identical Orders, dated 03-11-2017, passed by the XII Additional District Judge, Visakhapatnam, in IA.Nos.66 and 69 of 2013 in OS.No.339 of 2010.

The petitioners filed the aforesaid suit against respondent Nos.1 and 2 for specific performance of an agreement of sale. Pending the suit, they filed IA.Nos.66 and 69 of 2013 to implead certain third parties as defendants in the suit on the ground that respondent Nos.1 and 2, in collusion with those third parties, have allowed the latter to enter into possession of the suit schedule property in order to defeat the rights of the petitioners. After considering the respective pleadings of the parties, the lower Court has dismissed both the IAs.

Under Order I Rule 10 CPC, the Court is vested with the power to add or strike out the parties to a civil suit. For addition of the parties, the Court has to be satisfied that the presence of the third parties may be necessary to effectually and completely adjudicate upon all the questions involved in the suit.

In a suit for specific performance of agreement of sale, the presence of the third parties, who are proposed to be impleaded, is not necessary to effectually and completely adjudicate upon the only issue *viz.*, whether the petitioners are entitled to the specific performance of the agreement of sale or not.

Mr.C.Sumon, learned Counsel for the petitioners, strenuously submitted that as respondent Nos.1 and 2 /defendants played fraud on the petitioners by deliberately letting the proposed parties into possession of the suit schedule property, their presence is necessary.

I am afraid I cannot accept the above submission. The alleged fraud by respondent Nos.1 and 2, even if proved, would only strengthen the case of the petitioners for securing a decree of specific performance of the agreement of sale. By impleading the proposed parties, the petitioners would not stand to gain except to the extent of securing the relief of injunction. Such a relief can be sought by the petitioners by filing a separate suit against the proposed parties. By seeking impleadment of the third parties, the petitioners are only trying to expand the scope of the suit which, ordinarily, is not permissible in law.

For the aforementioned reasons, both the Civil Revision Petitions are dismissed, however, with liberty to the petitioners to avail appropriate legal remedy against the proposed parties, if they seek to violate any of the legal rights of the petitioners.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

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(C.V.Nagarjuna Reddy, J)

Dt: 9<sup>th</sup> March, 2018  
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