

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.4113 of 2012

ORDER:

The plaintiff in O.S.No.240 of 2005 is the revision petitioner.

The revision petitioner prayed for impleading Are Sukender, Muthineni Rajasri and Challa Narayana as respondent Nos.6 to 8 in the suit. The learned trial Judge through the order impugned in the Civil Revision Petition rejected the prayer. Hence, the Civil Revision Petition.

The order impugned refers to dismissal of the application against respondent No.7 on 27.09.2010. Further, keeping in view the nature of the relief i.e., specific performance of agreement of sale dated 09.02.2001 and to declare the registered sale deed Nos.3879/2003 and 2880/2003 dated 06.05.2003 as null and void, the prayer for impleading proposed respondents 6 to 8 as defendants has been negatived.

Mr.Venu Madhav contends that even if the application against respondent No.7 is dismissed, still the prayer for impleading proposed defendants 6 and 8 ought to have considered by the trial Court and allowed the prayer for impleading the proposed defendants. He further submits

that the purchasers of property are under obligation to answer the contractual obligation in the suit agreement. Therefore, for all purposes, the proposed defendants are both proper and necessary for complete adjudication of disputes concerning the plaint schedule property.

The contentions are merely noted to be rejected. At the outset, it is to be remarked that the case for impleading proposed defendants 6 and 8 cannot be considered by the trial court in isolation. The averment in the affidavit filed in I.A.No.722 of 2009 refers to series of sale transactions from 6 to 7 and 7 to 8, that means the presence of the proposed parties if necessary can be considered, if all of them are on record and notices served. Further, the affidavit does not disclose why at the time of institution of suit, the plaintiff/petitioner failed to implead the proposed defendants. This Court while expressing agreement with the reasoning recorded by the learned trial Judge for the above reasons is unable to appreciate that a ground is not made out warranting interference of this Court under Article 227 of constitution of India.

Hence, the Civil Revision Petition fails and accordingly dismissed. No order as to costs.

The trial Court is directed to dispose of the suit as expeditiously as possible, preferably within six (06) weeks from the date of receipt of copy of this order.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 28.08.2018

Note:

Registry is directed to communicate the copy of this order within three days to the Court of the Senior Civil Judge, Karimnagar.

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