

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.1770 of 2018

Order:

Aggrieved by the dismissal of an application for impleading third parties in a suit filed by the 1st respondent/plaintiff, the defendants 1 to 4 in the suit have come up with the above revision.

2. Heard Mr. V.S.R. Anjaneyulu, learned counsel for the petitioners.

3. The 1st respondent/plaintiff filed a suit in O.S.No.127 of 2011 as against the petitioners herein, seeking a declaration that she is the absolute owner of the plaint schedule property by virtue of a registered Will dated 14-5-2008. The petitioners filed an application in I.A.No.275 of 2011 for impleading third parties, on the ground that the third parties have already filed a suit in O.S.No.202 of 2011 and that all of them claim under the very same common ancestor viz., Thummala Somamma. The Trial Court dismissed the application on the ground that the plaintiff is the *dominus litis*. Therefore, the petitioners have come up with the above revision.

4. The approach adopted by the Trial Court cannot be found fault with. If there are third parties claiming title to the very same properties and they have also filed another suit, they need not be roped in, at the instance of the defendants in the present suit. The plaintiff should succeed or perish on

the basis of her own claim. If different parties fight a litigation over the same properties in different Courts, the petitioners have to take recourse to some other remedy and not to file an application for impleadment. Hence, the revision is dismissed. The applications, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

13th April, 2018.
Ak



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.1770 of 2018



13th April, 2018.
(Ak)