

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
CIVIL REVISION PETITION No.1805 OF 2018

ORDER

This civil revision petition under Article 227 of the Constitution arises out of the order dated 31.01.2018 passed by the learned XIV Additional District Judge, Ranga Reddy District at L.B.Nagar, in I.A.No.398 of 2017 in O.S.No.574 of 2007. The petitioner is the applicant in the said I.A. filed under Order 1 Rule 10 CPC, whereby he sought to be impleaded as a defendant in the suit. O.S.No.574 of 2007 was filed by respondents 1 to 5 herein against respondent 6 herein for specific performance of the agreement of sale dated 28.02.2005. The sole defendant in the suit having died, respondents 7 to 11 herein were brought on record as her legal representatives. While so, the petitioner herein filed the subject I.A. claiming rights in the suit schedule property, an agricultural land admeasuring Ac.5.13 guntas situated in various survey numbers of Begumpet Village, Balanagar Revenue Mandal, Ranga Reddy District, under the predecessor-in-title of the deceased defendant. The trial Court however dismissed the subject I.A. by way of the order under revision taking note of the fact that the petitioner claimed that he along with five others had purchased the suit property under a registered sale deed as long back as in 1969 but had no explanation to offer as to why he alone had come forward to be impleaded as a party and not the four others. The trial Court also took note of the fact that the vendee of the petitioner had earlier filed I.A.No.1255 of 2008 seeking to be impleaded in the suit and the said I.A. was dismissed as not maintainable.

Sri M.P.Chandra Mouli, learned counsel on caveat appearing for respondents 1 to 5 herein, the plaintiffs in the suit, would state that the order passed by the trial Court in I.A.No.1255 of 2008 in O.S.No.574 of 2007

was confirmed by this Court in C.R.P.No.5853 of 2010, *vide* order dated 15.04.2011.

Sri P.Sriraghuram, learned senior counsel appearing for Sri Srinivasa Rao Putluri, learned counsel for the petitioner, does not dispute the aforestated facts. He would however submit that this was not the right stage for the trial Court to undertake this kind of enquiry when all that the petitioner was seeking was impleadment in the suit.

This Court is however not persuaded to agree. Even at that stage, *bonafides* of the implead party can be looked into apart from whether or not it is a proper and necessary party to the proceedings. In the case on hand, no explanation was put forth by the petitioner as to why he kept quiet for all these years and has now chosen to come forward after his vendee failed in getting itself impleaded in this suit. No explanation is also forthcoming as to the other aspects raised by the trial Court. Further, even if the contention of the learned senior counsel is to be accepted, the petitioner cannot be said to be either a proper or a necessary party to the suit proceedings by any stretch of imagination. The suit was filed by respondents 1 to 5 herein seeking specific performance of the agreement of sale said to have been executed by the deceased defendant. In the context of that controversy, the petitioner has no role to play. The order passed by the trial Court rejecting the implead petition therefore does not warrant interference, be it on facts or in law.

The civil revision petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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SANJAY KUMAR, J

13<sup>th</sup> JULY, 2018

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