

THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

CIVIL REVISION PETITION No.3215 OF 2017

Date:23.02.2018

Between:

Bandi Nagabhushanam S/ o.Setha Ramaiah,
Hindu, aged about 80 years, R/ o.Lingalapadu
Village, Nandigama Mandalam, Krishna District.

...Petitioner

Vs.

Bandi Rukminamma W/ o.Venkateswralu
Hindu, aged about 60 years, R/ o.Lingalapadu
Village, Nandigama Mandalam, Krishna District
and another.

... Respondents

Counsel for Petitioner : Sri Balantha Devadass

Counsel for Respondents : Sri Parsa Anantha Nageswar Rao

Gist :

Head Note :

Cases Referred :

Nil



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ORDER:

The plaintiff in a suit for partition has come up with the above revision challenging an order passed by the trial Court impleading the sole defendant's son as a party to the suit.

2. Heard Mr. Balantha Devadass, learned counsel for the petitioner and Mr. Parsa Anantha Nageswara Rao, learned counsel for the respondents.

3. The main grievance of the petitioner is that in a partition suit filed by him against his brother's wife, who is the 1st respondent herein, the brother's son, who is the 2nd respondent herein, filed an application for impleadment and that the same was allowed without even notice to the counsel and without even granting an opportunity to file a counter.

4. The allegation that no notice was served or no opportunity was granted, are denied by the learned counsel for the respondents. But I do not think that it is necessary now to go into that question. The reason for the same will unfold in the next paragraphs.

5. It is seen from paragraph-4 of the plaint filed by the revision petitioner that he claims to have purchased the suit scheduled property jointly with the sole defendant's husband. Admittedly, the sole defendant's husband died leaving behind not only his wife, who is the 1st respondent herein, but two more sons, one of whom is the 2nd respondent.

6. Therefore, if the plaint averments made by the petitioner are take to be wholly true, he will be entitled to half share in the suit property and the other half share will go to the sole defendant's husband. Since the sole defendant's husband had died, the property

should devolve upon his legal heirs, namely, his wife (1st respondent herein) and two sons, one of whom is the 2nd respondent herein.

7. The petition for impleadment filed by the 2nd respondent has actually come as a God sent for the petitioner as otherwise his suit itself may be opposed on the ground of non-joinder of necessary and proper parties.

8. Hence, the revision is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

February 23, 2018
KTL

