

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.3205 of 2018

Order:

Aggrieved by the refusal of the Court below to implead the Tahsildar, the Sub Registrar and a Primary Agricultural Cooperative Society as defendants to a suit for cancellation of a sale deed, the plaintiff in the suit has come up with the above civil revision petition.

2. Heard Mr. Lakshmi Narayana, learned counsel, representing Mr. N.Pavan Kumar, learned counsel for the petitioner.

3. The petitioner herein filed a suit as against the respondents 1 and 2 herein, for cancellation of a sale deed dated 12-6-2014 executed by her in favour of the defendants and for a consequential relief of permanent injunction. The grievance of the petitioner in her suit was that when the plaintiff approached the 1st defendant for money, he agreed to arrange for money from the Primary Agricultural Cooperative Society and that under the guise of executing certain documents, the 1st defendant got a sale deed executed in favour of the 2nd defendant. In short, the case of the petitioner was that the defendants 1 and 2 played a fraud upon her and got a sale deed executed in favour of the 1st defendant.

4. After one year of the filing of the suit, the petitioner filed an application for impleading the Tahsildar, the Sub Registrar and the Primary Agricultural Cooperative

Society as parties to the suit on the basis of things that have happened pursuant to the execution of the sale assailed in the suit. It appears that the Tahsildar gave a Pattadar Pass Book and the Sub Registrar registered the sale deed, without complying with the statutory prescription contained in the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. Therefore, the petitioner wanted to implead all of them.

5. But the original cause of action for the petitioner/plaintiff was only as against the respondents 1 and 2. It is only after the execution of a sale deed by the petitioner in favour of the respondents 1 and 2 that consequential actions were taken by the proposed parties.

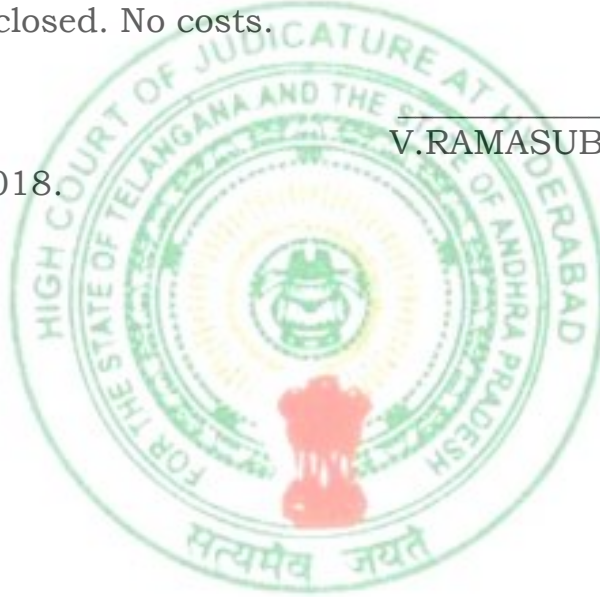
6. It is contended by Mr. Lakshmi Narayana, learned counsel for the petitioner, that there was an infringement of a statutory prescription by the Sub Registrar and that in any case if the petitioner succeeds in the suit, the Sub Registrar is obliged to make necessary entries in terms of Section 31.

7. But what should bother the plaintiff at the stage of execution after getting a decree, should not bother the plaintiff at this stage. The controversy between the petitioner and the respondents 1 and 2 can be resolved even without the presence of the proposed parties. In fact, if there has been an infringement of the statutory prescription by the statutory authorities, the same is only a matter of evidence and not a matter for pleading, after making them parties.

8. Even in the absence of the Sub Registrar, if the petitioner succeeds in getting a decree, the Sub Registrar should automatically register the decree and the Tahsildar should automatically issue a fresh Pattadar Pass Book in favour of the petitioner. For the purpose of executing the decree against the proposed parties, it is not necessary to implead them at this stage. As officials they are always bound by any decree. Hence, the civil revision petition is dismissed. The interlocutory applications, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

13th July, 2018.
Ak



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.3205 of 2018



13th July, 2018.
(Ak)