

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.3163 of 2012

ORDER:

Heard Mr.Mohd.Naurez Hyder Ali holding for Mr.V.SR.Anjaneyulu for revision petitioner. No representation for respondents.

One Ravula Kumari W/o.Ramesh filed I.A.No.603 of 2011 in R.C.C.No.51 of 2010 to add or implead Ravula Kumari as 2nd respondent in R.C.C.No.51 of 2010 on the file of learned Rent Controller-cum-IV Additional Junior Civil Judge, Vijayawada. The said application was rejected. Hence, the Civil Revision Petition.

The affidavit filed by the revision petitioner and the counter of landlord are very detailed. The trial Court in the order under revision has substantially adverted to the case of both the parties with complete objectivity. The petitioner could not point out any omission in the narration of circumstances. Therefore, by reference to those averments, the issue involved in the Civil Revision Petition is examined.

The petitioner claims that she is necessary and proper party for disposal of R.C.C.No.51 of 2010. In support of petitioner's case of co-tenancy, the petitioner relies on the amendments carried out to O.S.No.3482 of 2004 etc.

This Court is of the view that to claim the status of co-tenancy, the amendment to plaint or decree, if any, is not the deciding

circumstance. The relationship of revision petitioner with the landlord is pleaded and established in the manner known to law. Admittedly, the said effort is wanting in the case on hand. Let me advert to the conclusions recorded by the learned Rent Controller, which read thus:-

“The petitioner filed a copy of plaint in O.S.No.3482/ 2004 wherein the petitioner is added as 2nd plaintiff. The petitioner also filed copy of decree in the said suit which was ultimately dismissed. The petition schedule property was consisting of ground, first and second floors. The respondent is a monthly tenant in the ground floor of Rs.2,200/- p.m. and he is maintaining STD booth. The petitioner is the sister of the 1st respondent and the present petition is filed for eviction of the 1st respondent in the month of June, 2010. The petitioner is not filed any schedule along with the petition and the petitioner has also not given. Now she was connected with the petition schedule property. The present petition is filed by the 1st plaintiff in O.S.No.3482/ 2004, the impleadment of the petitioner as respondent. The petitioner therefore cannot be permitted to be as necessary party to the present petition. The respondent/petitioner claimed that the petitioner is no way connected to the petition schedule property and she is 3rd party to the proceedings. The petitioner failed to show that her presence is necessary before the Court in order to claim the court to effectively and completely adjudicate and settle all the questions involved in the petition. Avoidance of impleadment of proceedings is also one of the objectives of the provision under Order 1 Rule 10.”

This Court is in full agreement with the reasoning of the learned Rent Controller.

The revision fails and is accordingly dismissed. The learned Rent Controller is directed to dispose of R.C.C.No.51 of 2010 as expeditiously as possible, preferably within two months from the date of receipt of a copy of this order. No order as to costs.

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

S. V. BHATT, J

Dt: 26-09-2018
Prv

