

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.3442 of 2018

O R D E R:

This Civil Revision Petition is filed under Article 227 of Constitution of India challenging the order dated 08.05.2018 in I.A.No.269 of 2018 in O.S.No.286 of 2007 on the file of Principal Junior Civil Judge, Punganur.

2. Petitioner is a 3rd party in the said suit. The suit was filed by the 1st respondent herein against respondents 2, 3 and 4 for perpetual injunction in respect of an extent of Ac.4-75 cents in Sy.No.671 of Annemagaripalli Village, Somala Mandal, Chittoor District.

3. When the suit was posted for arguments, the petitioner filed the said I.A. seeking impleadment in the suit alleging that he is claiming Ac.0-95 cents in the same survey number, that the 1st respondent has nothing to do with it and to knock away the said land, the 1st respondent failed to implead the petitioner to the suit.

4. The 1st respondent/plaintiff filed counter denying the said allegations. He contended that the suit is a suit for mere injunction, and in collusion with the 4th respondent, the petitioner filed this application to delay the disposal of the suit. He stated that the petitioner is a total stranger to the litigation.

5. By order dated 02.04.2018, the Court below dismissed the said application. It held that the petitioner did not show any document to show his possession of any extent in the said survey number except xerox copy of the proceedings of

Tahsildar, Somala, which was a show cause notice asking why the petitioner should not be evicted and if the petitioner intends to get relief he has to take separate proceedings. It held that instant suit being one of the year 2007, petitioner cannot be allowed to get impleaded at the fag end of the case.

6. Assailing the same, this Civil Revision Petition is filed.

7. Though counsel for the petitioner sought to contend that the petitioner is entitled to be impleaded in the suit and that otherwise his interest would be effected, I am unable to accept the said contention.

8. Any claim of the petitioner vis-à-vis the 1st respondent or other respondents has to be independently adjudicated and merely because the petitioner claims to have interest in a portion of the suit schedule land, when he did not file any material in support thereof showing his right, title and interest therein, he cannot be allowed to be impleaded at the stage of arguments in a 2007 suit.

9. Therefore, I agree with the view of the Court below that the petitioner is not entitled for impleadment in the said suit.

10. Accordingly, the Civil Revision Petition is dismissed at the admission stage. No order as to costs.

11. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

17.09.2018

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