

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.3575 of 2018

Date: 13.07.2018

Between:

Smt.Bobby

.. Petitioner

and

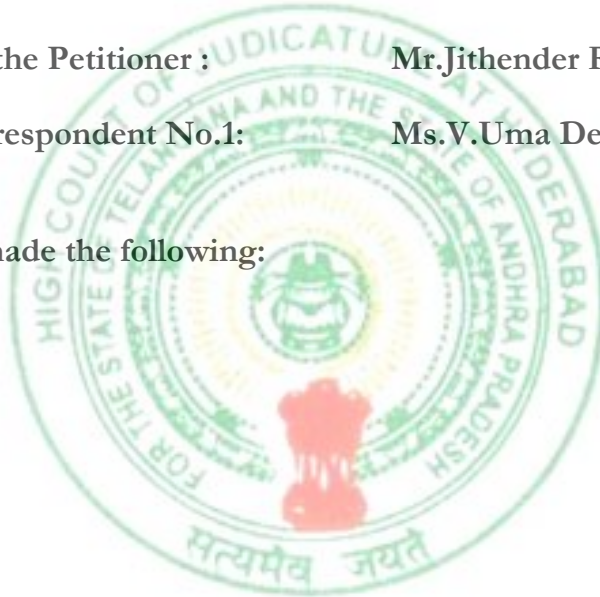
Akbar Sha and 3 others

.. Respondents

Counsel for the Petitioner : Mr.Jithender Rao Veeramalla

Counsel for respondent No.1: Ms.V.Uma Devi

The Court made the following:



Order:

This Civil Revision Petition arises out of Order, dated 10-04-2018, in IA.No.217 of 2016 in OS.No.720 of 2012, on the file of the II Additional Senior Civil Judge, Visakhapatnam.

The petitioner is a third party to the aforementioned suit filed by respondent No.1 against respondent Nos.2 to 4 for specific performance of an agreement of sale. The petitioner sought to come on record on the ground that she has title over the suit schedule property.

In my opinion, the Court below has rightly dismissed the Application for impleadment filed by the petitioner because respondent No.1 being *dominus litis* is entitled to choose his parties as defendants. Unless the rights of any party are adversely affected, they cannot claim to come on record. In the instant case, the suit is filed for specific performance of an agreement of sale. Even if the decree is passed in favour of respondent No.1 against respondent Nos.2 to 4, in pursuance whereof the sale deed would be executed, respondent Nos.2 to 4 can convey only the title, which is vested in them. Therefore, the alleged right of the petitioner would not, in any way, be affected by the decree even if the same is passed in favour of respondent No.1 by the lower Court. In spite of

dismissal of her Application for impleadment, the petitioner can protect her rights over the suit schedule property by instituting substantive proceedings before the appropriate Court of law.

Subject to this right of the petitioner, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, IA.No.1 of 2018, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 13th July, 2018
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