

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

CIVIL REVISION PETITION No.3670 of 2018

ORDER:

This Revision is filed assailing the order dt.21-04-2018 in I.A.No.89 of 2018 in O.S.No.14 of 2012 of the IV Additional District Judge, Tirupati.

2. Petitioner is defendant in suit.
3. The 1st respondent filed the suit for specific performance of an agreement of sale dt.09-02-2011 allegedly executed by petitioner in favour of the 1st respondent.
4. Written statement was filed by petitioner stating that he had sold the plaint schedule property in favour of the 2nd respondent herein. The said written statement was filed on 30-03-2012.
5. After the matter was posted for arguments, the 1st respondent filed I.A.No.89 of 2018 to implead the subsequent purchaser as a party defendant in the suit saying that there was a *lis pedens* transfer intended to defraud the right of the 1st respondent and to avoid multiplicity of proceedings, the subsequent purchaser be also impleaded as a party defendant.
6. Counter-affidavit was filed opposing the said application by petitioner contending that though specific plea was taken in the

written statement, there was a delay in filing the application to implead the 2nd respondent.

7. By order dt.21-04-2018, the said application was allowed by the Court below on costs of Rs.10,000/- to be paid by 1st respondent to the petitioner and also with a direction to the 1st respondent not take any adjournment and cooperate with the disposal of the suit without taking adjournments. The Court below opined that the though there is delay on the part of the 1st respondent in filing the said application, the impleadment of the subsequent purchaser is necessary and petitioner can be compensated on payment of costs keeping in mind Section 52 of the Transfer of Property Act, 1882.

8. Assailing the same, this Revision is filed.

9. Though learned counsel for petitioner sought to contend that the Court below ought to have rejected the application filed by 1st respondent on the ground that it is filed at a belated stage, I am unable to accede to the said contention since the very purpose of impleadment of a party is to avoid multiplicity of proceedings and the proposed party being a subsequent purchaser, would be a necessary party to the suit since his interest would be affected in case the relief is granted in the suit to the 1st respondent.

10. I see no error of jurisdiction in the order passed by the Court below warranting interference by this Court in exercise of its revisional jurisdiction.

11. The Civil Revision Petition is accordingly dismissed at the stage of admission. No costs.

12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 03-08-2018

Vsv

