

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.3902 of 2018

ORDER : (Oral)

Vide the present petition, petitioner has challenged the order dated 2nd April 2018, passed in I.A.No.543 of 2017 in O.S.No.130 of 2014, whereby, the application filed by the petitioner under Order 1 Rule 10 and Section 151 of CPC to add the proposed parties/respondents 2 to 5 as defendants 2 to 5 in the suit, has been dismissed.

2. The 1st respondent/plaintiff filed the suit for grant of permanent injunction against the petitioner herein in respect of the schedule property. The schedule property originally belongs to 2nd respondent/Kodanda Rama Swamy Temple, Gogulapadu village. The said temple has a total extent of Ac.14.2 Cents of land, which includes the schedule property. The Committee of the said temple gave the land to the petitioner on lease and he has been cultivating the schedule land for more than 25 years. In fact, the vendors of 1st respondent/plaintiff do not have any land covered under the said sale deed. Case of the petitioner is that the proposed respondents 2 to 5 are the competent persons to take necessary steps for cancellation of sale deed dated 18th February 2013. Therefore, the said respondents are necessary and proper parties to the suit.

3. The contention of the petitioner is that the suit schedule property belongs to the 2nd respondent-Temple and in pursuance of the lease given by the temple Committee, he has been in possession of the schedule property. Therefore, the proposed parties are necessary parties to the suit.

4. It is important to note that the suit is filed by the 1st respondent/plaintiff for grant of permanent injunction against the petitioner herein. Basing on the pleadings of both the parties, a specific issue is framed as to whether the plaintiff is in possession and enjoyment of schedule property. Accordingly, the petitioner is at liberty to prove his possession over the property during the trial.

5. In view of above, I am of the considered view that there is no necessity to add the parties as sought by the petitioner.

6. Finding no merit in the present petition, the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

20th July 2018

ajr