

SMT JUSTICE T. RAJANI

CIVIL REVISION PETITION No.4001 of 2018

ORDER:

This civil revision petition is filed by the petitioner aggrieved by the order dated 27.03.2018 in IA.No.668 of 2016 in O.S.No.119 of 2013 passed by the Principal Senior Civil Judge, Mancherial, by virtue of which the Court below dismissed the petition, filed by the petitioners, under Order 1 Rule 10 read with Section 151 of the Civil Procedure Code, seeking impleadment of R34 and R35 as defendant Nos.34 and 35 in the main suit.

2. Heard the counsel for the petitioners. None appears for the respondents.

3. The counsel for the petitioners submits that R34 and R35 are subsequent purchasers of the disputed property and hence, they are necessary parties to the suit.

4. In the petition filed seeking for their impleadment, R34 filed a counter admitting about the purchase of the disputed land and stating that he is not a necessary party, while R35 remain *ex parte* after paper publication. The parties do not choose to appear before the Court, after steps taken by the petitioners to implead them. It is for the said parties to choose to appear or not. One cannot force the parties to get impleaded against their wish.

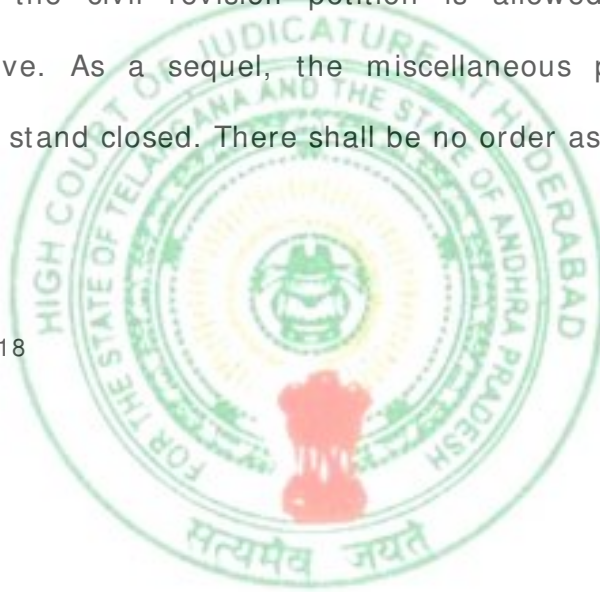
5. But, however, the grievance of the petitioners is that the Court below while dismissing the petition, made an observation that one share in the disputed land is equivalent to Ac.5.05 guntas.

The petitioners submit that since the total extent of said land is only 15 acres and there are five sharers, one share would come to 3 acres.

6. The said observation of the Court below cannot be sustained, as it is completely an erroneous recording of the share. Hence, accepting the aforesaid submission, it can be observed that the observation made by the Court below, with regard to the extent of land, would not have any bearing while deciding the suit and the said observation is set aside. The Court shall arrive at the share only after taking in evidence.

Hence, the civil revision petition is allowed to the extent indicated above. As a sequel, the miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

September 7, 2018
DSK



T. RAJANI, J