

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 4146 of 2018

ORDER:

1) The present Civil Revision Petition is filed under Article 227 of the Constitution of India, aggrieved by the order dated 29.01.2018 passed in I.A.No.2026 of 2017 in O.S.No.107 of 2009 on the file of the III Additional District Judge, Kakinada, wherein and whereunder an application filed under Order 1 Rule 10 of C.P.C. to implead the petitioners as defendants 5 and 6 in O.S.No.107 of 2009 was dismissed.

2) As seen from the record, preliminary decree in the said suit came to be passed on 23.03.2018. The learned counsel for the petitioners would submit that the application which is filed was to implead themselves in the final decree proceedings as they are proper and necessary parties. But it is to be noted that the petitioners made an application pending decision in the suit, which was disposed of on 23.03.2018. A reading of the impugned order clearly shows that the request of the petitioners was for impleadment in the suit, which has reached its finality. Since the suit itself has reached its finality by way of judgment dated 23.03.2018, nothing survives for adjudication in this Civil Revision Petition. Learned counsel for the petitioners would submit that this application was filed in final decree proceedings. But it is strange as to how such an application

could have been filed even before the disposal of the suit.

Hence, I see no merit in the revision.

3) Accordingly, the Civil Revision Petition is dismissed, giving liberty to the petitioner to make a fresh application seeking their impleadment in final decree proceedings, in which event the same shall be dealt with in accordance with law.

4) As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed. There shall be no order as to costs.

28.09.2018
gkv



C. PRAVEEN KUMAR, J