

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No.4657 of 2018

ORDER :

Assailing the order dated 05.02.2018, passed in I.A.No.770 of 2017 in I.A.No.445 of 2010 in O.S.No.17 of 1977, on the file of the Senior Civil Judge, Yellamanchili, wherein the petition filed seeking to implead the petitioner therein as one of the respondents to the FD Petition by way of amendment was allowed, the present revision is filed under Article 227 of the Constitution of India.

The facts in issue are that the first respondent herein filed a petition under Order I Rule 10(2) read with Section 151 C.P.C., seeking to implead him as respondent No.17 in the final decree petition on the ground that he is necessary party to agitate his right under the sale deeds executed by legal heirs of defendant No.2 and also claimed an equity in the joint family property and consequently to direct the plaintiff to add respondent No.1 herein in the final decree proceedings. It is the case of the implead petitioner/respondent No.17 that he purchased Ac.0.24 cents in Survey No.203/1B of Sarvasiddhi village under a registered sale deed dated 1-3-1982 and another extent of Ac.0.25 cents in Survey No. 203/1B of Sarvasiddhi village of S.Rayavaram mandal, under a registered sale deed dated 04.03.1987 totaling Ac.0.48 cents from one P.Subbalakshmi, W/o.P.Bapanna Setty and her sons for a valid consideration and

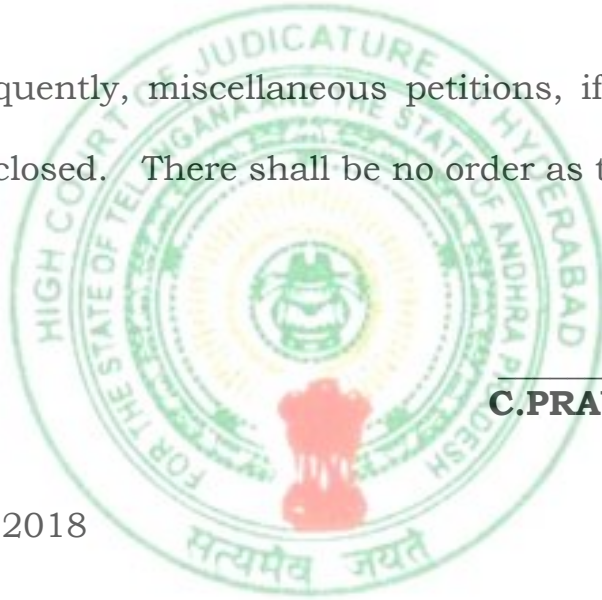
since then he has been in physical possession and enjoyment with absolute right on it. The said P.Subbalakshmi is the second defendant in O.S.No.17 of 1977. It is stated that the plaintiff and defendants in the said suit colluded and filed the said suit intentionally, without informing the implead petitioner. It is his case that if the partition as prayed in the suit is confirmed, the legal right of the implead petitioner over the said property would be deprived. The respondents therein filed counters denying the material allegations made by the implead petitioner therein. After hearing both sides and examining the entire material, the trial Court allowed I.A.No.770 of 2017, impleading the petitioner/respondent No.1 herein as one of the respondents to the final decree petition. Assailing the same, the present revision came to be filed.

As seen from the material on record, the petitioner/implead petitioner herein is a bonafide purchaser of item No.6 of the plaint scheduled property for valid sale consideration from the legal representatives of the second defendant. If the implead petitioner is not added as one of the respondents to the final decree petition, he would not have an opportunity to put forth his claim against the property purchased by him. It is to be noted that any order passed without impleading the implead petitioner in the final decree petition, would be contrary to the principles of law. Though the implead petitioner is added as a party to the suit proceedings, that by itself does not mean that the Court would pass orders in

favour of the implead petitioner. Since the grievance of the petitioner is that both the plaintiff and defendants are not having any manner of right in Ac.0.49 cents, it would be just and proper to implead respondent No.1 as party to the suit proceedings, so that the rights of the parties would be decided in the final decree petition.

In view of the above, I see no reason to interfere with the order passed by the Court below. Accordingly, the C.R.P. is dismissed.

Consequently, miscellaneous petitions, if any, pending in shall stand closed. There shall be no order as to costs.



C.PRAVEEN KUMAR, J

Date: 21.12.2018
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