

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.4125 OF 2012

ORDER:

Heard Mr.Uma Sankar Lokanadham for revision petitioner.
None appears for respondents.

The plaintiff in O.S.No.37 of 2002, which is filed for perpetual injunction restraining respondents 1 to 3 from in any way interfering with possession and enjoyment of plaintiff, is the revision petitioner. The revision petitioner filed I.A.No.287 of 2005 for impleading respondents 4 and 5 herein as defendants 4 and 5 in the suit.

The case of revision petitioner for impleading the proposed respondents as defendants is that proposed defendant No.4 sold an extent of Acs.0-08 Cts to proposed defendant no.5 during the pendency of the suit. Hence, to avoid multiplicity of litigation, both the proposed defendants are necessary parties to the suit. The application is opposed by the 1st defendant and by referring to such objection, the instant application for impleadment is rejected.

I have gone through the affidavit and taken note of the prayer. The petitioner intends to resolve all the disputes by referring to plaint schedule property in the same suit and hence has prayed for impleading proposed respondents 4 and 5 as defendants 4 and 5. The prayer under Order I Rule 10 CPC to implead proposed respondents 4 and 5 as defendants 4 and 5 is not considered on the right lines and keeping in view the requirement of Rule 10 of Order I CPC, I am satisfied the order under revision is untenable and hence set aside.

The revision is allowed. Proposed respondents 4 and 5 are impleaded as defendants 4 and 5 in the suit. The impleaded defendants are given eight weeks time from today to file written statement and the trial Court is directed to dispose of the suit within twelve weeks thereafter. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

05th September, 2018
Lrk m

