

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.5458 of 2018

ORDER:

This Revision is filed challenging the order dt.16-07-2018 in I.A.No.475 of 2017 in O.S.(A.T.C.) No.7 of 2012 of the Special Officer-cum-Junior Civil Judge, Kothapeta.

2. The petitioner had filed the said A.T.C. to declare that he is the tenant of the subject property and for a consequential injunction restraining the 2nd respondent from interfering with his possession and enjoyment of the property.

3. The 1st respondent herein filed I.A.No.475 of 2017 claiming that he purchased under a registered sale deed item No.2 of the schedule property from 2nd respondent on 30-08-2012 and he is in possession and enjoyment of the said property and so he ought to be brought on record. He contended that petitioner threatened him and the 2nd respondent that he would not allow the 1st respondent to cultivate the land even if there is a sale.

4. This application was opposed by the petitioner, who contended that 1st respondent cannot be impleaded since A.T.C. is a tenancy proceeding wherein he is claiming tenancy under the 2nd respondent. He also denied that 1st respondent was in possession and enjoyment of the schedule property.

5. By order dt.16-07-2018, the Court below allowed the said I.A. It also took note of the fact that the petitioner himself had filed an application under Order I Rule 10 C.P.C. to add the 1st respondent as a necessary party, but when the said I.A. was coming for enquiry, he did not press it. It also held that the question whether the 1st respondent is a *bona fide* purchaser of the property or not will be gone into later, but if he is a *bona fide* purchaser, then he would be a necessary party and he is required to be impleaded to avoid multiplicity of proceedings.

6. Assailing the same, this Revision is filed.

7. Though learned counsel for petitioner sought to contend that the Court below ought not to have allowed the impleadment, I am of the opinion that the impleadment of 1st respondent is necessary since he claims to be a purchaser of item No.2 of the schedule property from the 2nd respondent on 24-08-2012 after filing of the A.T.C. on 23-08-2012. Therefore, he is a purchaser *pendente lite* and multiplicity of proceedings can be avoided by his impleadment.

8. Therefore, I see no error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

9. Therefore the Civil Revision Petition fails and it is accordingly dismissed at the stage of admission. No costs.

10. Consequently, miscellaneous petitions pending, if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

Date : 23-11-2018
Vsv

