

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.5256 of 2013

ORDER:

Heard Mr.Rajamalla Reddy for petitioners and Mr.Ghanshamdas Mandhani for 1st respondent.

Komakula Dharmaiah and Komakula Veeraiah/respondent Nos.2 and 3 herein filed O.S.No.44 of 2008. The suit is filed for declaration of right and possession of plaintiff Nos.1 and 2 for an extent of Ac.1-28 gts in Sy.No.109/A of Bommakal Village, Karimnagar Mandal & District.

Paragraph No.3 of the plaint reads thus:

“That the Plaintiff No.1 is the original pattedar since 1954 and he is the owner and possessor to an extent of Ac.1-32 guntas in Sy.No.109/A and Ac.0-03 guntas in Sy.No.111/A and by virtue of this available land the Plaintiff No.2 purchased the same through G.P.A cum Agreement of sale with possession vide registered document No.3217/2007, Dt:21-03-2007 in addition of rectification deed bearing document No.734/2008, Dt: 07-02-2008 covering correct boundaries and survey number of purchased property. Therefore, the Plaintiffs Nos.1 and 2 are the owners and possessors and hereinafter called as suit land.”

While the matter stood thus, the suit against the plaintiff No.1 was dismissed. The 1st respondent purchased through registered sale deed dated 17.12.2012 from 2nd plaintiff. Thereafter, the application is filed both under Order 1 Rule 10 r/w Order 22 Rule 10 (2) of Civil Procedure Code (C.P.C) and the said application is ordered. Hence, the Civil Revision Petition at the instance of respondent Nos.1 to 6 in I.A.No.222 of 2013.

Mr.Rajamalla Reddy contends that once the application insofar as 1st plaintiff is dismissed, the cause which is canvassed together both by 1st and 2nd plaintiff does not survive and the application for impleading the 1st respondent herein as plaintiff No.3 should not have been considered by the trial Court.

Mr.Ghanshamdas Mandhani contends that contention of revision petitioners herein is not in line with categorical assertion in plaint paragraph No.3 which is also excerpted. According to him, the 1st plaintiff through registered GPA dated 21.03.2007 read with rectification deed dated 07.02.2008 transferred his right, interest etc., in favour of 2nd plaintiff. At the first instance, the 1st plaintiff was merely impleaded as proper party and in view

of the subsequent purchase by 1st respondent herein, the suit can be continued.

I have perused the record and *prima facie*, this Court is of the view that the very premise on which the Civil Revision Petition is filed namely that the dismissal of the suit against the 1st plaintiff and thereby the cause in the plaint does not survive is untenable and incorrect. Except ordering application to implead 1st respondent herein as plaintiff No.3, no other point is considered and decided by the trial Court.

Hence, the Civil Revision Petition fails and accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.



S. V. BHATT, J

Dt: 21.08.2018

Note:

**Registry to communicate
the order forthwith.**

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