

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION No.6777 of 2018

ORDER:

This civil revision petition is filed against the order dated 13.07.2018 in I.A.No.150 of 2018 in O.S.No.140 of 2011 on the file of Additional Senior Civil Judge, Madanapalle, Chittoor District.

2. Brief facts of the case are that the petitioners/plaintiffs filed a suit in O.S.No.112 of 2005 against the defendants for declaration of title. The plaintiffs have also filed O.S.No.140 of 2005 against defendants 1 to 24 in respect of the property which is also situated in Survey No.171 of Madanapalle village. The petitioners filed I.A.No.150 of 2018 seeking to implead proposed respondents 9 to 26 as necessary and proper parties to the suit. The trial Court dismissed the said I.A.No.150 of 2018 observing as under:

"It is not the specific case of the petitioners/plaintiffs that these proposed defendants 9 to 26 are also having right, possession and enjoyment over any piece of land out of the suit schedule Ac.0-75 cents extent. When these proposed defendants 9 to 26 are not having any extent of land in the said Ac.0-75 cents suit land with the specific boundaries shown in the schedule of this suit, merely for the reason that these proposed defendants 9 to 26 have lands in Sy.No.171 but no way concerned with the plaint schedule property i.e., Ac.0-75 cents of land within the given boundaries."

3. Aggrieved by the same, the present civil revision petition is filed.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

5. Learned counsel for the petitioners has taken me through the written statement filed in the suit which, according to him, is the basis for impleading the parties.

6. In this case, it is to be seen that the written statement was filed in the year 2012 in the suit of the year 2011, and the application for impleading I.A., order is filed in the year 2018. No plausible reasons are given in support of the application in the trial Court for filing of the implead petition at this belated stage. No doubt, the Court has the power to implead or strike down a party at any stage of the suit, but is on the application of the petitioners, and no reasons are assigned by the petitioners for filing of the implead application at this stage.

7. A perusal of impugned order goes to show that the trial Court considered the issue in proper perspective by giving reasons and this Court do not find any reason to interfere with the impugned order. In view of the same, there are no bonafides in filing the implead petition.

8. In view of the facts and circumstances of the case, this Court is of the view that this is not a fit case for exercising jurisdiction under Article 227 of the Constitution of India.

9. Accordingly, the civil revision petition is dismissed. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

JUSTICE A. RAJASHEKER REDDY

19th November, 2018

KSM



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