

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

CIVIL REVISION PETITION No.6795 of 2018

ORDER:

Aggrieved by the order, dated 20.07.2018, passed by II Additional Chief Judge, City Civil Court, Hyderabad, whereby, the learned Judge has dismissed the application filed by the petitioners under Order I Rule 10 CPC read with Section 151 CPC for impleadment, the petitioners have approached this Court.

Briefly stated the facts of the case are that respondent No.1, Mohammed Ali Imam Najaff, had filed a civil suit for declaration of title, recovery of possession and consequential injunction with regard to the property situated in Survey No.162 (old), new Survey No.6/2 situated at Mallepally, Hyderabad, against respondent Nos.2 to 6. The plaintiff had claimed that he had inherited the suit schedule property from one Sogra Begum. According to the plaintiff, the said Sogra Begum left a Will, dated 07.11.1963 in favour of one Khursheed Ali Khan, who in turn, executed a Will in favour of the plaintiff on 21.06.2000. It is on the basis of the Will, dated 21.06.2000 that he claims title over the suit schedule property.

On the other hand, the petitioners are claiming a right in the suit schedule property as legal representatives of Syed Mehdi Ali Razvi. Therefore, they filed an application for being impleaded in the civil suit as defendants. However, by the impugned order, the said application was dismissed. Hence, the petitioners are before this Court.

Learned counsel for the petitioners pleads that since the petitioners too are related to Sogra Begum, they have a right to be impleaded as party respondents, as they are necessary and proper parties to the suit. Therefore, the impugned order should be set aside by this Court.

Heard learned counsel for the petitioners and perused the impugned order.

A bare perusal of the impugned order reveals that the learned Civil Judge has noticed the fact that the *lis* is between respondent No.1 and respondent Nos.2 to 6. He has also noticed the fact that except filing a legal heir certificate, and Aadhaar cards, the petitioners have failed to establish that they are the legal heirs of Syed Mehdi Ali Razvi. Most importantly, the dispute, if any that may exist between respondent No.1 and the

petitioners has to be fought independently. Therefore, the dispute exists clearly between respondent No.1 and respondent Nos.2 to 6. In such a dispute, the petitioners are neither necessary nor proper parties.

This Court has asked a pointed query to the learned counsel whether any suit exists between respondent No.1 and the petitioners. To this query, the learned counsel has clearly admitted that the petitioners have already filed a separate civil suit challenging the possession being taken by the plaintiff stating that he has a right and title over the suit schedule property.

Once it is admitted that the petitioners are independently pursuing their right and interest by filing a separate civil suit against the plaintiff – respondent No.1, obviously, the petitioners are neither necessary nor proper parties to the dispute that exists between respondent No.1 and respondent Nos.2 to 6. Therefore, the learned Civil Judge was justified in dismissing the application filed by the petitioners.

For the reasons stated above, this Court does not find any illegality or perversity in the impugned order. This petition being devoid of merit is dismissed.

Miscellaneous Petitions, if any pending, shall stand dismissed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, J

23rd NOVEMBER, 2018.

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