

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition No.6811 of 2018

ORDER:

Heard before admission and before notice to the proposed defendant No.4-R.1, the defendants 1 to 3/R.2 to R.4 of the revision petition and perused the order dt.12.10.2018 in I.A.No.371 of 2018 in O.S.No.82 of 2018 on the file of the VIII Addl.Sessions Judge, Anantapur in permitting the third party to come on record as 4th defendant from his claim that he (proposed 4th defendant) purchased the schedule property on 05.11.1984 from the original owners and the suit for injunction sought by the plaintiff against the defendants 1 to 3 as if in possession and as if they are interfering, is not sustainable.

The impugment is that the order is beyond the scope of the lis in adding the party with independent claim that is not permissible under law. In fact the plaintiff has to establish her right, title and possession in seeking injunction based on title and possession. The contention of the proposed parties is that it is collusive outcome inter se between the parties behind his back and he got title to the property right from 1984.

Once such is the case, it requires adjudication as to what the plaintiff establishes against the defendants 1 to 3 that can also be established equally against the newly added 4th defendant thereby without prejudice to the contest.

Having regard to the above, the Civil Revision Petition is disposed of. Consequently, miscellaneous petitions, if any, pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:23.11.2018
b/ o.vvr