

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

C.R.P.No.6785 of 2018

Date: 23.11.2018

Between:

Madeti Rama Rao,
S/o.Late Somu Naidu,
Aged 66 years,
Residing at Door No.45-5-3,
Akkayyapalem,
Visakhapatnam – 530 016
and another.

...

Petitioners

And

Madeti Kanaka Rao
S/o.Late Somu Naidu,
Hindu, aged about 53 years,
residing at D.No.49-3-38/1,
Ramakrishan Nagar,
Akkayyapalem,
Visakhapatnam-16
and ten others.

...

Respondents

Counsel for the Petitioners : Mr. S.V.S.S.Siva Ram

Counsel for the Respondents: ----

The Court made the following:

Order:

This civil revision petition is filed against order dated 12.09.2018 in I.A.No.203 of 2016 in O.S.No.203 of 2013 on the file of the II Additional Junior Civil Judge-cum-II Metropolitan Magistrate, Visakhapatnam, whereby the said I.A. filed for impleading respondent Nos.4 to 11 as defendants in the suit, was dismissed.

2. I have heard Mr.S.V.S.S.Sivaram, learned counsel for the petitioners and perused the record.

3. The main ground on which the petitioners have filed the aforementioned application is that in the written statement filed by respondent Nos.1 and 2, they have stated that they have sold the Transferable Development Rights (TDRs.) to respondent Nos.4 to 11 during the period from 2011 to 2013. Admittedly, the said written statement was filed in the year 2013 itself. However, having kept quiet for three long years, the petitioners filed the aforementioned I.A. for impleading respondent Nos.4 to 11, in the year 2016. Moreover, it is pointed out by the lower court that they have not filed a separate application for amendment of pleadings under Order VI Rule 17 of C.P.C., in the event of impleadment of respondent Nos.4 to 11. The petitioners allowed the trial to proceed and the matter is at the stage of arguments.

4. In the light of the above facts and circumstances of the case, the lower court has rightly dismissed the application on the ground

that respondent Nos.1 to 3 have not shown diligence in pursuing their cause.

5. For the aforementioned reasons, the civil revision petition is dismissed.

6. As a sequel to the dismissal of the civil revision petition, I.A.No.1 of 2018 is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Date: 23rd November, 2018

msb



