

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.5686 OF 2017

DATED : 23.01.2018

Between :

Enumula Uppalaiah S/o.Late Sri Kattaiah,
Aged 68 yrs, Occu : Senior Citizen,
R/o.H.No.20-7-9,
Fort Warangal, Warangal City & others

.. Petitioners

And

Veldi Sambaiah, S/o.Nagaiah,
Aged 54 yrs, Occu : Business,
R/o.12-8-298, Ramannapet,
Warangal City & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners and learned counsel appearing for respondents 1 to 8.

2. Respondents 1 to 8 herein are the plaintiffs in O.S.No.132 of 2010. Plaintiffs instituted O.S.No.132 of 2010 praying to decree the suit declaring that the plaintiffs are the owners of suit schedule property and to restrain respondents 9 to 14/defendant Nos.1 to 6 from peaceful possession and enjoyment of the plaintiffs over the suit schedule property. In the schedule plaintiffs have described the property in detail.

3. Petitioners herein filed I.A.No.105 of 2015 praying to implead them as defendants in O.S.No.132 of 2010. This I.A., is dismissed by the Court below, by order dated 17.08.2017. Aggrieved thereby this revision is filed.

4. According to the plaintiffs, they purchased the suit schedule property from defendants 1 to 6. But the defendants are interfering with their possession and enjoyment and therefore sought for declaration and injunction against interference and possession. Petitioners herein contend that the defendants from whom plaintiffs claim to have purchased the property are no way concerned with the suit schedule property and that suit schedule property belongs to their family.

5. Learned counsel for the petitioners further contend that though the surname of the persons from whom defendants claimed to have purchased is same, but they are no way concerned with

their family. He further contended that petitioners herein filed O.S.No.522 of 2007 concerning the same property, praying to declare the plaintiffs therein as owners of the suit schedule property and also to dispossess the defendants and plaintiffs be put in possession of the subject property.

6. Learned counsel for the respondents/plaintiffs submits that bonafidely purchase was made by the plaintiffs on verification of title to the property and that petitioners herein are no way concerned with the said property. He further submits that even though petitioners claim to have filed O.S.No.522/2007 concerning the same property, they have not taken steps to implead the plaintiffs in this suit as defendants in the said suit and are independently prosecuting the said suit. He further submits that no steps are taken by the petitioners herein to tag on the said suit to the present suit.

7. Having regard to the facts briefly noted above, it appears that there are rival claims on the suit schedule property and two suits are pending, one instituted by the plaintiffs in the instant suit and other by the petitioners herein who intended to come on record as defendants to this suit.

8. Having regard to this position, it cannot be said that the petitioners herein are totally strangers to the litigation. Their presence in the suit is necessary for proper adjudication of the dispute. Therefore, the trial Court erred in dismissing the application filed by the petitioners herein and the same is liable to be set aside.

9. At this stage, learned counsel for the respondents/plaintiffs contends that no steps are taken to tag on O.S.No.522/2007 filed by the petitioners herein to O.S.No.132/2010 and seeks a direction to club both suits.

10. Learned counsel for the petitioners fairly submits that appropriate steps will be taken to request the Court to tag on O.S.No.522/2007 to the present suit. The said statement is accepted and recorded.

11. Having regard to the above, the Civil Revision Petition is allowed. The petitioners herein shall be arrayed as defendants to O.S.No.132/2010 pending on the file of III-Additional District Judge, Warangal. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this civil revision shall stand closed.

23rd January, 2018
Rds

P.NAVEEN RAO,J