

SMT. JUSTICE T.RAJANI

CIVIL REVISION PETITION No. 6635 OF 2017

ORDER:

This civil revision petition, under Article 227 of the Constitution of India, is filed challenging the order dated 06-11-2017 in I.A.No. 1753 of 2017 in O.S.No. 344 of 2010 on the file of the Court of Principal Junior Civil Judge at Vizianagaram (for short, 'the Court below').

2. The petitioners filed the above mentioned I.A. under Order I Rule 10 of the Code of Civil Procedure (for short, 'C.P.C.') for their impleadment as plaintiff Nos. 6 to 9 in the main suit, claiming to be the legal representatives of the deceased, D.Suryam-respondent No. 2 herein. By the impugned order, the Court below dismissed the petition, holding that such petition has to be filed under Order XXII Rule 3 of C.P.C. and not under Order I Rule 10 of C.P.C. At the hearing, learned counsel for the petitioners also does not have any support to contend that the petition can be filed under Order I Rule 10 of C.P.C. The above Rules are clear, without any ambiguity and provide for appropriate remedies. It is only Order XXII Rule 3 of C.P.C. that provides for the legal representatives to come on record.

3. Hence, in view of the above, this Court opines that the petition under Order I Rule 10 of C.P.C. is not maintainable. The present revision is devoid of merits and the same is liable to be dismissed.

4. The civil revision petition is accordingly dismissed. However, the petitioners are at liberty to file appropriate petition before the Court below. Pending miscellaneous petitions if any shall stand dismissed in consequence.

T. RAJANI, J

20-02-2018.
JSK

