

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

CIVIL REVISION PETITION Nos. 7476 AND 7589 OF 2017

DATED 05TH JANUARY, 2018

CIVIL REVISION PETITION No. 7476 OF 2017

Between:

Thokada Micro Self Employed Workshops Welfare Association,
Thokada Welfare Association, Thokada Autonagar,
Visakhapatnam, Rep. by its President
K.Venkateswarlu, S/o Bhadrappa,
Hindu, 47 years, R/o Thokada,
Autonagar, Visakhapatnam ...Petitioner

AND

Thokada Grama Parirakshana Samithi (Regd. No. 126 of 2015),
D.No. 5-29-45/5, Thokada BHPV Post,
Visakhapatnam, Rep. by its President
B.Narayana Dhana Mahalakshmi Naidu & others ...Respondents

Counsel for the petitioner : Sri N.Siva Reddy

Counsel for the respondents : --

THE COURT MADE THE FOLLOWING

COMMON ORDER:

The parties and the suit out of which the present revision petitions arise are common.

2. The petitioner filed O.S.No. 38 of 2017 on the file of the Court of the Principal Senior Civil Judge at Gajuwaka (for short, 'the Court below') for permanent injunction restraining Greater Visakhapatnam Municipal Corporation (for short, 'G.V.M.C.') from interfering with its peaceful possession and enjoyment over the plaint schedule workshops. Respondent No. 1, which claims to be constituted for the welfare of Thokada Village, filed I.A.No. 572 of 2017 for its impleadment in the suit and also I.A.No. 573 of 2017 for its impleadment in I.A.No. 89 of 2018 filed by the petitioner for temporary injunction in the suit filed by it. Both the applications were resisted by the petitioner. However, by separate orders passed by the Court below, it allowed both the I.As.

3. It is not in dispute that respondent No. 1 has been agitating against the industrial activity being carried on in the residential areas covered by survey Nos. 50/1 and 50/2 of Thokada Village on the ground that the residents in the surrounding areas are facing inconvenience and health problems. It is at the instance of respondent No. 1 that the defendants in the suit *i.e.* G.V.M.C. issued Section 441 and Section 461 notices under Hyderabad Municipal Corporation Act, 1955, which were initially

questioned by the petitioner by filing W.P.No. 37637 of 2016 and after withdrawing the same, the petitioner filed the present suit. In these background facts of the case, the Court below rightly allowed the applications of respondent No. 1 for its impleadment in the suit as well as in I.A.No. 89 of 2017. Under Order I Rule 10 (2) of the Code of Civil Procedure, Court is vested with wide discretion to add or strike off the parties in any proceeding before it. On the facts of the case, the Court below was satisfied that the presence of respondent No. 1 is necessary for proper and effectual adjudication of the suit. The petitioner has not pleaded any prejudice on account of such impleadment.

4. For the aforementioned reasons, I do not find any jurisdictional error in the orders of the Court below.

5. Both the civil revision petitions are accordingly dismissed.

6. As a sequel to dismissal of the civil revision petitions, C.R.P.M.P.No. 1 of 2017 in C.R.P.No. 7476 of 2017 and C.R.P.M.P.No. 1 of 2017 in C.R.P.No. 7589 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 05-01-2018.

JSK