

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2392 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/respondent No.4, aggrieved by the order, dated 26.11.2015, passed in I.A.No.2134 of 2015 in O.S.No.147 of 2008, by the Principal District Judge, Ranga Reddy District at L.B.Nagar, whereby, the petition filed by the respondent Nos.1 to 4 herein/proposed defendants, under Order I Rule 10 of CPC to implead them as defendant Nos.4 to 7 in the original suit, was allowed.

2. Heard the learned counsel for both the sides and perused the record.

3. The learned counsel for the petitioner/respondent No.4 would contend that the respondent Nos.1 to 4/proposed defendants are not necessary parties to the suit. There is no single document to show that they are in possession of any part of the suit land. The subject suit is filed for partition and separate possession. The Court below erroneously allowed the subject interlocutory application and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. The respondent Nos.1 to 4/proposed defendants are claiming an extent of 706 square yards of land in Plot Nos.47

& 48 covered by Survey No.125, contending that it was purchased by their father under a registered document bearing No.11982/1990, dated 29.08.1990 from its original owner. The submissions made on behalf of the respondent Nos.1 to 4/proposed defendants reflect that they have substantial interest over the subject matter of the suit, which is filed for partition and separate possession. The respondent Nos.1 to 4/proposed defendants also claim to be in possession of the land purchased by their father under a registered document from its original owner. The Court below, having analysed the entire material on record, is justified in allowing the subject interlocutory application. There is nothing to take a different view. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

05th December, 2019
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