

THE HON'BLE Dr.JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1354 OF 2014

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India, by the petitioners herein/defendant Nos.4 and 5, aggrieved by the order dated 10.02.2014 passed in I.A.No.196 of 2013 in O.S.No.588 of 2007 by the learned V Additional Junior Civil Judge, at Warangal, wherein the impugned I.A filed by the respondent No.1/plaintiff seeking to bring the L.Rs of deceased/defendant No.3 on record, was allowed.

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

3) Learned counsel for the revision petitioners contends that the subject suit was filed against the respondent No.2 herein/D.1- Association and its office bearers. In such an event, on the death of deceased/defendant No.3-Pulla Irmiya, who was the Secretary of the Association, other office bearers have to be brought on record but not the wife and children of the deceased/defendant No.3. The impugned order passed by the Court below is erroneous and ultimately prayed to allow the revision petition as prayed for.

4) On the other hand, learned counsel for the respondent No.1/plaintiff would contend that as per the agreement of sale, the suit schedule property was purchased from the private persons and the defendant No.3 is one among them and after his death, his wife and children being successors in interest, are necessary parties for proper adjudication of the subject matter. The Court

below rightly allowed the subject application and there is no illegality or infirmity in the order under challenge.

5) As seen from the record, there is a complex question with regard to the title and possession of the subject property in between the parties to the dispute. The defendant No.3-P.Irmiya, is said to have alienated the property along with four other persons. It is also contended on behalf of the respondent No.1/plaintiff that the property does not belong to any Association. It is also contended that the defendant No.3 has substantial interest in the subject property. Therefore, the LRs of the deceased/defendant No.3 are necessary parties to the subject matter of the suit and adding them would not cause any prejudice or adverse effect over the rights and entitlement of the revision petitioners. All these issues can be adjudicated after due trial of the suit. The Court below having appreciated the factual and legal aspects was justified in passing the impugned order. The civil revision petition is devoid of merits and is liable to be dismissed.

6) Accordingly, the Civil Revision Petition is dismissed. Pending Miscellaneous Petitions, if any, shall stand closed. No order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 05.11.2019
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