

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.131 of 2019

O R D E R:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.25.09.2018 in I.A.No.61 of 2017 in O.S.No.98 of 2015 of the Senior Civil Judge, Karimnagar.

2. Petitioner herein is a third party to the said suit.
3. The 1st respondent filed the said suit against respondents 2 to 10 to declare him as the owner of the plaint schedule properties, to set aside three Gift Settlement Deeds dt.18.04.2011 and three registered Sale Deeds dt.30.10.2012, and for other reliefs.
4. Petitioner herein filed I.A.No.61 of 2017 to implead him as 10th defendant in the suit alleging that he has interest in a portion of the suit properties in survey Nos.501 and 511. He also contended that he had made application to revenue authorities to mutate his name in revenue records and to issue pattadar pass book and title deeds. He therefore contended that since his property also involved, he should be impleaded as a party to the suit.
5. Counter affidavit was filed by defendants 5 to 7 opposing petitioner's impleadment. They contended that petitioner has to prove his right, title and interest over the suit schedule property and must also file relevant documents of his ownership and title,

and merely by filing pahanies and letters issued by the District Collector, Karimnagar in relation to applications of the petitioner, he ought not be impleaded.

6. By order dt.25.09.2018, the Court below dismissed I.A.No.61 of 2017. It held that petitioner herein merely filed Sethwar copy and copy of a pahani for the year 1955-56, but he has not filed a single document to show that the name of the petitioner's ancestors mentioned in the said documents continue in the revenue records and they retained ownership and possession over portion of the suit schedule property. It also pointed out that petitioner did not file sale deeds and so he cannot claim ownership simply on the basis of the pahani of the year 1955-56 and he also failed to prove his direct interest in the suit schedule property.

7. Assailing the same, this Revision is filed.

8. Counsel for petitioner contended that the suit itself is a collusive suit among the respondents, that petitioner had a direct interest in some of the plaint schedule properties, in particular, survey Nos.501 and 511, and the Court below erred in dismissing his application for impleadment.

9. Petitioner's specific pleading was that after the death of the original owners, their legal heirs have sold their share to the petitioner, but no sale deeds were filed by him. Further, pahanies as on date of filing of the suit in regard to the properties

in which he claimed to be interested have not been filed by the petitioner. The suit being one for injunction, injunction if granted operates in *personam* only against the defendants in the suit and would not operate against the petitioner if he is not impleaded as a party in the suit.

10. If the petitioner apprehends any interference by the respondents, the petitioner ought to approach the competent Civil Court and seek appropriate relief to protect his alleged possession of the land claimed by him, but he cannot seek impleadment in the suit filed by the 1st respondent and claim any relief relating to his title in survey Nos.501 and 511.

11. I therefore do not file any merit in this Civil Revision Petition, and it is dismissed at the admission stage. No order as to costs.

12. Consequently, miscellaneous petitions pending if any shall stand closed.

M.S. RAMACHANDRA RAO, J

29th January, 2019.

gra