

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP. No. 725 of 2018

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.09.01.2018 in I.A.No.20 of 2018 in O.S.No.1 of 2005 of the Senior Civil Judge, Narayanpet.

2. Petitioner is 2nd plaintiff in the above suit, which was filed by her along with other plaintiff, for partition of the plaint schedule properties and for separate possession of 1/18th share therein.

3. The suit was filed on 18.01.2005.

4. Petitioner filed I.A.No.20 of 2018 on 08.01.2018 to implead four parties as defendants 51 to 54 on the ground that they were legal heirs of deceased Yella Reddy and Buchi Reddy and also filed geneology in support of the said pleading.

5. According to the petitioner, these persons were not impleaded inadvertently and in their absence it would be difficult to decide the suit and their presence is required for the effective adjudication of the suit.

6. Though no counter was filed, the Court below dismissed the said I.A., stating that as per the written statement geneology, the marriages of the proposed parties had been performed prior to 1967 i.e., 1967 and 1978, and the Hindu Succession (Amendment) Act, 2005 came into force from 09.09.2005 making the daughters coparceners; that the proposed parties are not the coparceners for the suit schedule property, and therefore though they are proper parties, they are not necessary parties and they need not be impleaded.

7. Assailing the same, this Revision is filed.

8. Though counsel for the petitioner sought to contend that proposed parties are not only necessary parties and are also proper parties, the fact remains that neither Yella Reddy nor Buchi Reddy were alive as on 09.09.2005 when the Hindu Succession (Amendment) Act, 2005 came into effect. Therefore, the Court below has rightly held that they are not necessary parties, since the proposed parties cannot invoke the 2005 Amendment to the Hindu Succession Act, 1956.

8. I agree with the view taken by the Court below and I do not find any merit in this Revision and it fails.

9. Accordingly, the Civil Revision Petition is dismissed.

No order as to costs.

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

M.S. RAMACHANDRA RAO, J

26th March, 2019.

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