

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.598 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.2, challenging the order, dated 01.02.2019, passed in I.A.No.330 of 2017 in O.S.No.1767 of 2017, by the V Junior Civil Judge, City Civil Court, Hyderabad, whereby, the petition filed by the petitioner/defendant No.2 under Order I Rule 10(2) read with Section 151 of CPC, to strike off the name of the respondent No.2 herein/defendant No.1 as representative of the defendant No.1 and also as defendant No.2 in the Original Suit, was dismissed.

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

3. In the course of submissions, it is brought to the notice of this Court that four other similar suits are pending in between the parties to the litigation. Those suits are also for recovery of money. Aggrieved by the order, dated 24.12.2018, passed in I.A.No.575 of 2018 in COS No.16 of 2018, by the Commercial Court for trial and disposal of commercial disputes, City Civil Court, Hyderabad, a Civil Revision Petition in CRP No.496 of 2019 was filed before a Hon'ble Division Bench of this Court. That CRP was dismissed by the Hon'ble Division Bench of this Court, vide order, dated

14.08.2019, on the ground that it would be wholly premature to give a clean chit to the second defendant and permit him to exit from the suit proceedings on the ground that he is not a proper and necessary party and that his role in the affairs of the first defendant company requires to be examined in the context of the plaintiff society's claim that he would be personally liable and therefore, he would be a proper and necessary party to the suit, as the said issue can be decided only after a full-fledged trial. The subject matter of this Civil Revision Petition is squarely covered by the aforementioned decision of the Division Bench of this Court in CRP No.496 of 2019.

4. Under these circumstances, this 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

31st October, 2019
Bvv