

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.1052 and 1065 OF 2019

COMMON ORDER:

Since the issue involved in these two Civil Revision Petitions is one and the same, they are being disposed of by this common order.

2. These two Civil Revision Petitions, under Article 227 of the Constitution of India, are filed aggrieved by the orders dated 14.09.2018, passed in I.A.Nos.64 and 65 of 2018 in O.S.No.22 of 2018 respectively, by the Additional Junior Civil Judge, Kukatpally.

3. Heard the learned counsel for the petitioners and perused the record.

4. The petitioners herein filed the aforesaid Interlocutory Applications under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908, seeking to implead them as proposed defendants in the subject suit as well as proposed respondents in I.A.No.25 of 2018. The Court below, after hearing both sides, dismissed the said applications vide impugned orders, dated 14.09.2018.

5. Learned counsel for the petitioners would submit that the petitioners filed the aforesaid applications to implead them as proposed defendants in the subject suit as well as proposed respondents in I.A.No.25 of 2018, but, however, the Court below erroneously dismissed the said applications; that the petitioners belong to same locality, in which respondent Nos.1 and 2 / plaintiffs are running hotel business and causing lot of trouble to

the petitioners and hence, prayed to implead the petitioners as proposed parties to the suit.

6. It is relevant to state that respondent Nos.1 and 2 / plaintiffs filed the subject suit against the 3rd respondent herein/ defendant- Assistant Commissioner, Greater Hyderabad Municipal Corporation, Moosapet, Circle, 23, alleging that the said authorities are illegally interfering and causing hindrance in running the hotel business peacefully. Since respondent Nos.1 and 2 / plaintiffs did not allege anything against third parties except the 3rd respondent/defendant in the subject suit and if the petitioners are aggrieved by the hotel business being run by respondent Nos. 1 and 2 / plaintiffs, they have to workout the remedies available under law. No purpose would be served even if their applications are allowed. The contentions raised on behalf of the petitioners are beyond the scope of pleadings in O.S.No.22 of 2018. Therefore, the petitioners are not entitled to add as necessary parties to the subject suit. The Court below is justified in dismissing the applications. Hence, both the Civil Revision Petitions are liable to be dismissed.

7. Accordingly, both the Civil Revision Petitions are dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in these two civil revision petitions are closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

SEPTEMBER 03, 2019
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Date:03.09.2019

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