

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1415 OF 2018

ORDER:

This petition is filed aggrieved by the order dated 30.11.2017 in I.A.No.668 of 2015 in O.S.No.199 of 2015 on the file of the learned Additional Junior Civil Judge, Cyberabad, Kukatpally at Miyapur.

2. Heard both sides. Perused the record.

3. Learned counsel for the petitioner would submit that the respondent/D.5 is required to file a separate suit since survey numbers and boundaries are all different; that the petitioner has disputed the source of title of the respondent/D.5 over the disputed property and that the petitioner herein is claiming exclusive ownership and possession over the same.

4. On the other hand, learned counsel for the respondent/D.5 would contend that the respondent/D.5 is a necessary party since under the guise of pendency of main suit and proceedings, the petitioner is knocking away her property. Therefore, she is necessary party and ultimately prayed to dismiss the petition.

5. Under these circumstances, the point that arises for determination is:

“Whether the impugned order passed by the Court below *vide* order dated 30.11.2017 in I.A.No.668 of 2015 in O.S.No.199 of 2015 on the file of the learned Additional Junior Civil Judge, Cyberabad, Kukatpally at Miyapur, is liable to be set aside?”

POINT:-

6. The Court below had elaborately dealt with the contentions raised by both sides and concluded that the respondent/D.5 is a necessary party for proper and just adjudication of the subject matter of the main suit O.S.No.199 of 2015.

7. It appears from the record that there is a dispute with regard to the identity of the property and both the parties are claiming the property in question. If the suit is decreed in favour of the petitioner/plaintiff, certainly it affects the rights of the respondent/D.5 herein. Therefore, she is a necessary party to the proceedings. The submissions made on behalf of the petitioner/plaintiff are devoid of merit.

8. In the result, the Civil Revision Petition is dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed.

DR. SHAMEEM AKTHER, J

Date: 28.03.2019
ssp