

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.1405 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff, challenging the order, dated 18.03.2019, passed in I.A.No.173 of 2019 in I.A.No.200 of 2013 in O.S.No.27 of 2013, by the III Additional District Judge, Karimnagar, whereby, the petition filed by the revision petitioner/plaintiff under Order I Rule 10(2) of CPC read with Rule 28 of the Civil Rules of Practice, to implead the respondents 1 and 2 herein/defendants 13 and 14 in the original suit as respondents 13 and 14 in I.A.No.200 of 2013 and to permit the revision petitioner/plaintiff to carry out the consequential amendments, was dismissed.

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

3. The learned counsel for the revision petitioner/plaintiff would contend that the respondents 1 and 2 herein/defendants 13 and 14 are claiming substantial interest over the subject matter of the suit by claiming adverse possession over the suit schedule property. The revision petitioner/plaintiff is apprehending that there is possibility of the respondents 1 and 2 herein/defendants 13 and 14 alienating the suit schedule property during pendency of the original suit filed for partition and separate possession. The

Court below erroneously dismissed the subject interlocutory application and ultimately prayed to allow the Civil Revision Petition as prayed for.

4. The learned counsel for the respondents 1 and 2/defendants 13 and 14 supported the impugned order and contended that the Court below, having examined the matter in detail, ultimately dismissed the subject interlocutory application holding that there is no necessity to bring the respondents 1 and 2/defendants 13 and 14 on record as respondents 13 and 14 in I.A.No.200 of 2013. There is nothing to take a different view and ultimately prayed to dismiss the Civil Revision Petition.

5. In view of the submissions made by both the sides, the revision petitioner/plaintiff is apprehending that the respondents 1 and 2 herein/defendants 13 and 14 would alienate the suit schedule property, during the pendency of the subject dispute. An order is required to be passed in I.A.No.200 of 2013 filed for grant of temporary injunction, after allowing the amendment, as sought for by the revision petitioner/plaintiff. Otherwise, it would cause substantial injustice to the revision petitioner/plaintiff. The respondents 1 and 2 herein/ defendants 13 and 14 are also necessary parties for determination of I.A.No.200 of 2013. Under these circumstances, the impugned order cannot sustain and is liable to be set aside.

6. Accordingly, the Civil Revision Petition is allowed and the impugned order, dated 18.03.2019, passed in I.A.No.173 of 2019 in I.A.No.200 of 2013 in O.S.No.27 of 2013, by the III Additional District Judge, Karimnagar, is set aside. Consequently, I.A.No.173 of 2019 stands allowed and the respondents 1 and 2 herein/defendants 13 and 14 are ordered to be impleaded in I.A.No.200 of 2013.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed. There shall be no order as to costs.

05th November, 2019
Bvv

Dr. SHAMEEM AKTHER, J

