

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL REVISION PETITION No.1854 OF 2019

ORDER:

This civil revision petition is filed, under Article 227 of the Constitution of India, by the petitioner/proposed defendant No.2, aggrieved by the order, dated 19.06.2019, passed in I.A.No.555 of 2018 in O.S.No.1626 of 2018, by the learned VI Junior Civil Judge, City Civil Court, Hyderabad.

2. The petitioner/proposed defendant No.2 filed the I.A.No.555 of 2018 in O.S.No.1626 of 2018 under Order 1 Rule 10 read with Section 151 CPC on the file of the learned VI Junior Civil Judge, City Civil Court, Hyderabad, praying to implead and array the petitioner as Defendant No.2 in the above said suit, wherein the learned VI Junior Civil Judge, City Civil Court, Hyderabad, dismissed the said I.A. Aggrieved by the said order, the present civil revision petition is filed.

3. Heard. Perused the material record.

4. When the matter is called, it is represented by Ms.Kalpana, learned counsel, that Sri Srinivasa Rao Valivela, learned counsel appearing for the 1st respondent/plaintiff, is not available in the High Court of Telangana and he is representing in the High Court of Andhra Pradesh at Amaravathi, and sought for an adjournment.

5. On the other hand, Sri M.V.Rajkumar Gabriel, learned counsel appearing for the petitioner, vehemently opposed and contended that under the garb of injunction orders, the 1st respondent/plaintiff is proceeding further with the construction on the public road and also causing an obstruction to the property of the revision petitioner. In this regard, the petitioner/proposed Defendant No.2 has also filed a writ petition in W.P.No.17207 of 2018 and this Court *vide* order, dated 26.06.2018, disposed of the said writ petition directing the respondents to take action as per law, as expeditious as possible, after giving notice to all stakeholders.

6. On perusal of the record, it appears that the Greater Hyderabad Municipal Corporation is not contesting the matter in the suit before the trial Court for the reasons best known to them. This type of action cannot be appreciated and thus, this Court feels that the implead application needs to be ordered and an opportunity of hearing has to be given to both sides, otherwise the suit would be decreed for not contesting.

7. Having regard to the facts and circumstances of the case and in the light of the doctrine of principles of natural justice and to meet the ends of justice, the impugned order is liable to be set aside.

8. Accordingly, the Civil Revision Petition is allowed setting aside the order, dated 19.06.2019 in I.A.No.555 of 2018 in O.S.No.1626 of 2018 passed by the learned VI Junior Civil

Judge, City Civil Court, Hyderabad, and the trial Court is directed to implead and array the petitioner/proposed Defendant No.2 as Defendant No.2 in the aforesaid suit and proceed with the matter by affording reasonable opportunity to both sides, as contemplated under law. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 24th October, 2019

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