

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1870 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners/defendants aggrieved by the order dated 19.06.2019 passed in I.A.No.176 of 2019 in O.S.No.93 of 2014 by the Senior Civil Judge, Jangaon, whereby the application filed by the first respondent/proposed party seeking permission to implead him as plaintiff No.2 in the suit, was allowed.

2. Heard learned counsel for the revision petitioners, learned counsel for the respondent No.1 and perused the record.

3. Learned counsel for the revision petitioners/defendants would contend that respondent No.1 herein is not a necessary party to the suit. Section 52 of the Transfer of Property Act applies. The Court below erroneously allowed the subject Interlocutor Application and ultimately prayed to set aside the impugned order.

4. On the other hand, learned counsel for the first respondent would contend that the first respondent/proposed party is a necessary party. The Court below is justified in passing the impugned order and ultimately prayed to dismiss the civil revision petition.

5. As per the record, plaintiff No.1 purchased the subject suit schedule property from the wife of the first respondent/proposed party under a registered document No.1734 of 2007 dated 23.03.2007. Respondent No.1 gained substantial interest in the subject matter of the suit. Furthermore, the suit is for declaration and perpetual injunction.

6. In the given circumstances, the Court below is justified in passing the impugned order. There is no perversity in the impugned order. This Civil Revision Petition is devoid of merit and is liable to be dismissed.

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

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Date: 20.12.2019
ssp

Dr. SHAMEEM AKTHER, J