

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
CIVIL REVISION PETITION Nos.205 AND 2597 OF 2019

COMMON ORDER:

Since the parties and the subject suit in both these civil revision petitions are one and the same, they are being heard and disposed of together.

2. These revision petitions, under Article 227 of the Constitution of India, are filed by the petitioners/plaintiffs aggrieved by the order dated 08.11.2018 passed in I.A.No.374 of 2013 in O.S.No.84 of 2006 and the order dated 21.01.2019 passed in I.A.No.527 of 2016 in I.A.No.374 of 2013 in O.S.No.84 of 2006 by the learned Senior Civil Judge, Bhongiri, whereby the applications filed seeking permission to bring proposed defendants on record as legal representatives of the deceased-defendant No.7-D.Pentaiah and to amend I.A.No.374 of 2013, were dismissed.

3. Heard learned counsel for the revision petitioners/plaintiffs and perused the record.

4. As per the material placed on record, the revision petitioners/plaintiffs filed I.A.No.374 of 2013 to bring on record the respondents Nos.26 to 28/proposed defendant Nos.26 to 28 as legal representatives of deceased-defendant No.7. The Court below dismissed the said Interlocutory Application stating that all the legal representatives of defendant No.7 were not shown as proposed defendants in I.A.No.374 of 2013. Thereafter, the revision petitioners/ plaintiffs filed I.A.No.527 of 2016 to amend

the petition in I.A.No.374 of 2013, wherein all the legal representatives of the deceased-defendant No.7 were sought to be brought on record in the subject suit. The Court below dismissed I.A.No.527 of 2016 *vide* docket order dated 21.01.2019 stating that in view of the dismissal of I.A.No.374 of 2013, the said Interlocutory Application is not maintainable and closed the same accordingly.

5. It appears that there is no dispute between the parties to the litigation with regard to the averments made in the subject Interlocutory Applications. The legal representatives of the deceased-defendant No.7 are necessary for adjudication of the subject matter of the Original Suit. Therefore, the impugned orders are liable to be set aside.

6. Under these circumstances, the impugned order dated 08.11.2018 passed in I.A.No.374 of 2013 in O.S.No.84 of 2006 is set aside. Consequently, the order dated 21.01.2019 passed in I.A.No.527 of 2016 in I.A.No.374 of 2013 in O.S.No.84 of 2006 is also set aside. Both the Interlocutory Applications are restored to file for disposal afresh in accordance with law.

7. In the result, the Civil Revision Petitions are allowed.

The Miscellaneous petitions, if any, pending shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 31.12.2019
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