

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3425 OF 2018

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners aggrieved by the order dated 23.04.2018 passed in I.A.No.313 of 2018 in O.S.No.664 of 2007 by the learned XIV Additional District Judge, Ranga Reddy District at L.B. Nagar, wherein the application filed by the revision petitioners to implead them as defendant Nos.20 to 22 in the suit, was dismissed.

2. Heard learned counsel for the revision petitioners, learned counsel for the respondents and perused the record.

3. Learned counsel for the revision petitioners would contend that proposed defendant Nos.20 to 22 are the grand children of late Hari Shankar, whose wife and children are already on record in the original suit and ultimately, prayed to allow the revision petition by setting aside the impugned order.

4. On the other hand, learned counsel for respondents contended that the Court below is justified in passing the impugned order and there is no illegality or perversity in the order under challenge and ultimately prayed to dismiss the revision petition.

5. Admittedly, the subject suit was filed for partition and separate possession. On the death of mother of the revision petitioners, the subject I.A is filed by the revision petitioners claiming substantial interest in the subject matter of the suit as coparceners. Since they have substantial interest in the subject matter of the suit, for just and complete adjudication, they are necessary parties to the suit.

6. Under these circumstances, the impugned order dated 23.04.2018 passed in I.A.No.313 of 2018 in O.S.No.664 of 2007 by the learned XIV Additional District Judge, Ranga Reddy District at L.B. Nagar, is set aside. Consequently, I.A.No.313 of 2018 is allowed and the revision petitioners/proposed defendants are permitted to come on record as defendant Nos.20 to 22 in O.S.No.664 of 2007.

7. Accordingly, the Civil Revision Petition is allowed. No costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date: 22.11.2019
ssp

Dr. SHAMEEM AKTHER, J

