

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3068 OF 2019

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff aggrieved by the order dated 25.04.2019 passed in I.A.No.29 of 2019 in O.S.No.3 of 2019 by the Junior Civil Judge at Jadcharla, whereby the application filed by respondent Nos.1 to 5/third parties under Order I Rule 10(2) read with Section 151 of CPC to implead them as defendant Nos.6 to 10 in the suit, was allowed.

2. Heard learned counsel for the petitioner/plaintiff and perused the record.

3. It has been contended that the proposed parties/defendant Nos.6 to 10 have no substantial interest in the subject matter of the suit, which is filed for perpetual injunction, wherein an interim injunction was granted in favour of the revision petitioner/plaintiff. The subject application was filed only to protract the litigation and to cause loss to the petitioner/plaintiff. The Court below erroneously allowed the said application. The respondents/defendant Nos.6 to 10 are not necessary parties to the suit and ultimately prayed to set aside the impugned order.

4. It is the case of the respondents/defendant Nos.6 to 10 that under the guise of interim injunction order, the petitioner/plaintiff is trying to occupy the existing public road and contends that they have substantial interest for determination of the subject matter of the suit.

5. Under these circumstances, the Court below is justified in allowing the said I.A. This revision petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed at the stage of admission.

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

Date: 24.12.2019
ssp

Dr. SHAMEEM AKTHER, J

