

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.4069 of 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/proposed defendant No.2, challenging the order, dated 14.12.2017, passed in I.A.No.140 of 2017 in O.S.No.3 of 2016, by the VIII Additional District Judge at Medak, whereby, the petition filed by the revision petitioner/proposed defendant No.2 and the 3rd respondent herein/proposed defendant No.3 under Order I Rule 10(2) of C.P.C. requesting the Court below to implead them as defendant Nos.2 and 3 in O.S.No.3 of 2016, pending on its file, was dismissed.

2. Heard the learned counsel for the revision petitioner/proposed defendant No.2 and perused the record.

3. The material placed on record reveals that the respondent No.3 herein/proposed defendant No.3 has substantial interest in the subject matter of the Original Suit in O.S.No.3 of 2016. The property covered by the said suit, i.e., two acres of land in Survey No.1445/A, is also part and parcel of the suit filed by the respondent No.3 herein/proposed defendant No.3 and the revision petitioner/proposed defendant No.2 in O.S.No.43 of 2015 on the file of the Junior Civil Judge at Medak. The suit in O.S.No.43 of 2015 on the file of the Junior Civil Judge at

Medak, is filed for partition and separation possession. It is contended on behalf of the revision petitioner/proposed defendant No.2 that the sole defendant in O.S.No.3 of 2016 on the file of the VIII Additional District Judge at Medak, who is the brother of the revision petitioner/proposed defendant No.2, got fake documents into existence during the pendency of the suit in O.S.No.43 of 2015 on the file of the Junior Civil Judge at Medak and got filed the subject suit in O.S.No.3 of 2016 on the file of the VIII Additional District and Sessions Judge at Medak. The submissions made on behalf of the revision petitioner/proposed defendant No.2 and the averments in the affidavit filed in support of this Civil Revision Petition sufficiently establishes the substantial interest of the revision petitioner/proposed defendant No.2 and the third respondent herein/proposed defendant No.3 in the subject matter of the suit in O.S.No.3 of 2016 on the file of VIII Additional District and Sessions Judge at Medak. Therefore, they are necessary parties for adjudication of the said suit. The Court below ought to have allowed the subject interlocutory application and could have impleaded them as defendant Nos.2 and 3 in the suit. Under these circumstances, the impugned order is liable to be set aside.

4. Accordingly, the impugned order, dated 14.12.2017, passed in I.A.No.140 of 2017 in O.S.No.3 of 2016, by the VIII Additional District Judge at Medak, is set aside. Consequently, I.A.No.140 of 2017 stands allowed as prayed

for. The Court below is directed to implead the revision petitioner herein/proposed defendant No.2 and the 3rd respondent herein/proposed defendant No.3, as defendant Nos.2 and 3 in O.S.No.3 of 2016, pending on its file.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed. There shall be no order as to costs.

21st November, 2019
Bvv

Dr. SHAMEEM AKTHER, J

