

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.4826 OF 2018

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners aggrieved by the order dated 21.06.2018 passed in I.A.No.257 of 2018 in O.S.No.32 of 2009 by the Senior Civil Judge, Vikarabad, Ranga Reddy District, wherein the application to implead the revision petitioners as defendants in the suit, was dismissed.

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

3. Learned counsel for the revision petitioners would contend that the impugned order passed by the Court below is erroneous. The revision petitioners have substantial interest in the subject matter of the suit. However, the Court below has not allowed them to contest the said suit, which is erroneous and ultimately prayed to allow the impugned I.A. as prayed for.

4. Learned counsel for the first respondent would contend that the property which is claimed by the revision petitioners was allocated to them by way of compromise decree. Therefore, they are not necessary parties. The Court below rightly dismissed the application and ultimately prayed to sustain the impugned order.

5. The impugned order reveals that the parties to the suit entered into a compromise *vide* memo filed under Order XXIII Rule 3 of CPC i.e., Ex.A.4. In terms of the said compromise memo, the revision petitioners/proposed parties were allotted the share claimed by them.

The compromise was recorded by the Court below. The material placed on record further establishes that the revision petitioners/proposed parties do not have any right over the property that fell to the share of second respondent/defendant in the suit. Even the revision petitioners could not file a single document to substantiate their rights over the property allocated to the second respondent/defendant.

6. Under these circumstances, the revision petitioners/proposed parties are not necessary parties to the aforesaid suit. The Court below had elaborately dealt with the contentions raised by the revision petitioners and answered the same by assigning valid reasons. There is no infirmity or illegality in the impugned order. The Court below is justified in passing the impugned order. The petition is devoid of merit and is liable to be dismissed.

7. In the result, the Civil Revision Petition is dismissed. No order as to costs.

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

Dr. SHAMEEM AKTHER, J

Date: 21.10.2019
ssp