

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.7777 of 2018

ORDER:

Heard the learned counsel for the petitioner.

2. This Revision Petition is filed assailing the order dt.28-03-2018 in I.A.No.33 of 2017 in O.S.No.342 of 2016 of the VII Additional Junior Civil Judge, Warangal.

3. Petitioner is a third party to the suit which was filed for a perpetual injunction by respondent Nos.1 to 5 against respondent Nos.6 to 13.

4. According to respondent Nos.1 to 5, the plaint schedule property falls in Sy. No.374 of Palilvelpula village of Hanamkonda Mandal of Warangal District. The petitioner however, contended that he is claiming property of 814 sq. yds. in Sy. No.375 of Palilvelpula village and that it was purchased by his mother under registered sale deed dt.22-05-1982 from one Mummidi Venkat Ratnam, and father of respondent Nos.1 and 2 by name Radhakishan was a signatory to the said sale deed. He contended that on 05-07-2016, respondent Nos.1 to 5 interfered with his possession and enjoyment by coming to his plot and threatened him. He also alleged that they have filed a rough sketch map along with the plaint wrongly depicting physical features as if his plot is also being claimed.

5. The 1st respondent filed counter affidavit stating that the land claimed by the petitioner has nothing to do with the plaint schedule properties which are there in Sy. No.374. It was also denied that on 05-07-2016, there was any alleged interference by respondent Nos.1 to 5 with the alleged possession of the petitioner. He contended that the petitioner has no cause of action or grievance against respondent Nos.1 to 5 and if he has any such cause of action, he should himself file a suit for declaration of his right and title. It was also pointed out that entire evidence and arguments were completed and when the matter was posted for judgment on 23-01-2017, the petitioner filed this application on 19-01-2017 without any tenable grounds.

6. By order dt.28-03-2018, the Court below dismissed the I.A. after noticing that the land claimed by the petitioner as well as the land which is subject matter of the suit are in totally different survey numbers, that petitioner does not have any direct interest in the suit schedule property and his claim to be impleaded at the time when the matter is posed for “judgment” cannot be sustained.

7. Assailing the same, this Revision Petition is filed.

8. Though the learned counsel for the petitioner sought to contend that the petitioner is a necessary and proper party to the suit, since he did not dispute that the land claimed by him is in Sy. No.375 while the land claimed by respondent Nos.1 to 5 is in Sy. No.374,

prima facie, it appears that the petitioner has no interest in the land which is subject matter of the suit.

9. Therefore, the Court below has rightly rejected I.A.No.33 of 2017. In the event, the petitioner anticipates any interference with his possession and enjoyment of the property by the respondents, it is always open to him to initiate appropriate legal proceedings seeking appropriate relief in the proper Court.

10. Granting such liberty, this Civil Revision petition is dismissed. No costs.

11. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-01-2019
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