

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

Civil Revision Petition No.315 of 2020

ORDER :

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.03.02.2020 passed in Interlocutory Application No.4 of 2020 in R.C.No.189 of 2014 on the file of II Additional Rent Controller, City Small Causes Court, Hyderabad.

2. The petitioner herein is a third-party to R.C.No.189 of 2014 which was filed by the 1st respondent herein against respondent nos.2 and 3 under Section 4 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 for fixation of fair rent.

3. The 2nd respondent, according to 1st respondent, who filed the R.C. is a partnership Firm and the 3rd respondent is one of its partners.

4. While so, the petitioner, also claiming to be a partner in the 2nd respondent-Firm filed an application under Order I Rule 10 of Civil Procedure Code, 1908 to implead him as 3rd respondent in the R.C.

5. This application was opposed by the 1st respondent on the ground that the petitioner was colluding with respondent nos.2 and 3; and a similar petition filed by respondent nos.2 and 3 was dismissed by the Court below in Interlocutory Application No.157 of 2019.

6. By order dt.03.02.2020, the Court below dismissed Interlocutory Application No.4 of 2020 holding that there is no material to show that father of petitioner invested amounts in the 2nd respondent-Firm and that the petitioner is the partner in the said Firm and is managing the 2nd respondent-Firm. It referred to photocopy of the partnership deed dt.01.04.2013 filed by the petitioner observing that the said document is inadmissible in evidence for want of sufficient stamp. It also observed that the application is filed at the fag end of the litigation only with an intention to drag on the proceedings.

7. Assailing the same, the present Civil Revision Petition is filed.

8. Admittedly, the 2nd respondent is said to be a Firm, even according to the 1st respondent, who filed the R.C.No.189 of 2014.

9. Under Order 30 Rule 1 of Civil Procedure Code, 1908, a Firm may be sued in the name of its partners.

10. Therefore, no prejudice would be caused to the petitioner even assuming for the sake of argument without conceding that he was a partner in the 2nd respondent-Firm.

11. Since the Court below has found that there is no *prima facie* material to accept him as a partner of the 2nd respondent-Firm, I see no reason to interfere with the said order.

12. Accordingly, the Civil Revision Petition fails, and it is dismissed. No order as to costs.

13. As a sequel, miscellaneous petitions pending if any in this Contempt Case, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 10.02.2020

Ndr/*

