

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.317 OF 2020

Dated:10.03.2020

Between:

Durgaraju Narasimha
S/o Late Gopal Rao, age 62 years,
Occ:Agriculture, R/o Matedu Village,
of Thorrur Mandal, Waragal.

... Petitioner

And

Gutha Ramadevi W/o Kaleru Viswanadha
Kumar and others.

... Respondents



This Court made the following:

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ORDER:

Respondent No.1/plaintiff instituted suit in O.S.No.71 of 2007 on the file of Principal District Judge, Warangal, praying to direct respondent Nos.2 and 3/defendants to execute a registered sale deed in her favour or her nominees regarding the suit schedule property and grant consequential permanent injunction.

2. The petitioner herein filed subject I.A.No.1081 of 2013 in O.S.No.71 of 2007 on the file of VI Additional District Judge, Mahabubabad, Warangal, under Order I Rule 10 (2) of the Code of Civil Procedure, 1908, to implead him as defendant No.3 in the afore-stated suit on the ground that he purchased an extent of Ac.0.20 guntas of land in Survey No.211 of Thorur Village and Mandal, which is subject matter of the suit. The Court below, after considering the material on record, dismissed the said petition. Aggrieved by the said order, the present Civil Revision petition is filed.

3. The contention of the revision petitioner/proposed defendant No.3 is that he has right, title and interest over the suit schedule property, therefore, he is proper and necessary party to the afore-stated suit.

4. Admittedly, the suit is filed for execution of registered sale deed conveying the suit property in favour of respondent No.1/plaintiff by respondent Nos.2 and 3/defendants. According to the petitioner herein, the suit property has been under the

occupation of respondent No.1/plaintiff, in which the petitioner's land also includes. But, respondent Nos.2 and 3 have no right over the suit property and therefore, title cannot pass on to respondent No.1/plaintiff. Even otherwise also, the petitioner has not stated how his case falls under Order I Rule 10 or Order XI Rule 1 of C.P.C. The Court below observed that the petitioner/proposed defendant No.3 cannot seek to adjudicate his right in the present suit and it must be agitated by way of separate proceedings before a competent Forum. I do not see any infirmity in the view taken by the Court below warranting interference of this Court. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed.

10th March, 2020

YVL

P. NAVEEN RAO, J

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