

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.5570 of 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff, challenging the order, dated 27.02.2018, passed in I.A.No.96 of 2015 in O.S.No.175 of 2015, by the II Junior Civil Judge, City Civil Court, Hyderabad, whereby, the subject interlocutory application filed by the revision petitioner/plaintiff under Order I Rule 10 of CPC to implead the respondent Nos.2 and 3 herein as defendant Nos.2 and 3 in the subject suit and in all the interlocutory applications pending therein, was dismissed with costs.

2. Heard the learned counsel for both the sides and perused the record.

3. In the course of submissions, it is brought to the notice of this Court that the Court below had not issued notice to the respondents/proposed defendant Nos.2 to 3, in the subject interlocutory application. The Court below, after hearing the revision petitioner/plaintiff and the respondent/defendant, was pleased to dismiss the subject interlocutory application.

4. There is a specific allegation in paragraph No.5 of the plaint filed in the subject suit with regard to the alleged interference by the respondent No.1 herein/defendant as

well as the other persons with the peaceful possession of the suit schedule property by the revision petitioner/plaintiff. In the given circumstances, the Court below ought to have issued notice to the proposed defendant Nos.2 and 3 and determined the *lis*. Since the Court below did not do so, the impugned order is liable to be set aside.

5. Accordingly, the impugned order, dated 27.02.2018, passed in I.A.No.96 of 2015 in O.S.No.175 of 2015, by the II Junior Civil Judge, City Civil Court, Hyderabad, is set aside. I.A.No.96 of 2015 is restored to file and the Court below is directed to dispose of the said interlocutory application afresh, in accordance with law, after issuance of notice to the respondent Nos.2 and 3 herein/proposed defendant Nos.2 and 3.

6. With the above direction, this Civil Revision Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

05th March, 2020
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