

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.1507 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendant Nos.1 and 2, aggrieved by the order and decree dated 24.03.2015 in I.A.No.1826 of 2012 in O.S.No.538 of 2008 passed by the III Senior Civil Judge, City Civil Court, Secunderabad, allowing the application filed by the 1st respondent/plaintiff under Order I Rule 10 of C.P.C., seeking impleadment of proposed parties as defendant Nos.14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 in the main suit, on payment of costs of Rs.1,000/- to the respondents.

2. The 1st respondent/plaintiff has filed the aforesaid suit in the year 2008 for partition and separate possession of the suit schedule properties. In the said suit, she has filed an application being I.A.No.1826 of 2012 seeking impleadment of the proposed parties as defendant Nos.14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 in the main suit. The Court below, after considering the evidence and the material on record, through the impugned order dated 24.3.2015, has allowed the said application on payment of costs of Rs.1,000/- to the respondents. Hence the present civil revision petition.

3. Heard Sri V. Sri Hari, learned counsel for the

petitioners/defendant Nos.1 and 2, as well as Sri J. Prabhakar, learned counsel for the 1st respondent/plaintiff, and perused the impugned order.

4. It is not in dispute that the proposed parties/defendant Nos.14 to 23 are children of the deceased brothers of the 1st respondent/plaintiff. Although it is submitted by the learned counsel for petitioners/defendant Nos.1 and 2 that instead of filing application to bring on record the legal representatives of the deceased defendants under Order XXII of C.P.C., the present application in I.A.No.1826 of 2012 is filed under Order I Rule 10 of C.P.C., for impleadment of the proposed defendants, from a perusal of the plaint itself, it is clear that the brothers of the 1st respondent/plaintiff died even before filing of the suit and all the parties were not impleaded on the ground that their whereabouts were not known. As the suit itself is filed after the demise of the brothers of the 1st respondent/plaintiff, I do not find any illegality in the impugned order dated 24.3.2015 passed by the Court below, warranting interference under Article 227 of the Constitution of India.

5. Accordingly, this civil revision petition is dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
10.07.2015.
Msr

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