

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY ,THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CIVIL REVISION PETITION NO: 6114 OF 2016

Between:

1. Nagapuri Saritha, D/o Baswaiah, aged about 26 years, Occ: Student, R/o H.No.25-7-48, Somidi, Warangal District.
2. Macherla Srisailam, S/o Late Agaiah, Aged about 50 years, Occ: Agriculture, R/o H.No.2-23, Thanedarpalli Village, Ghanpur (Station) Mandal, Warangal District.

...PETITIONERS

AND

1. Tallapalli Yadagiri , S/o Late Venaktaiah, Aged about 52 years, Occ: Agriculture, R/o Presently Nawabpet Village, Lingala Ghanpur Mandal, Warangal District.
2. Kanukati Sujatha, W/o Venkataiah, Aged about 41 years, Occ: Household, R/o H.No.25-7-73, Vishnupur, Kazipet, Warangal District.
3. Nagapuri Kalavathi,, W/o Basavaiah, Aged about 53 years, Occ: Household, R/o H.No.25-7-48, Vishnupuri, Kazipet, Warangal City and District.
4. Talapalli Anjaiah,, S/o Venkati, Aged about 35 years, Occ:Agriculture, R/o H.No.25-7-48, Vishnupuri, Kazipet, Warangal City and District.

...RESPONDENTS

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to against the order Dt:21-10-2016 passed in I.A.No. 235 of 2016 in O.S.NO. 859 of 2010 on the file of the Court of I Additional Senior Civil Judge, Warangal.

CRPMP. NO: 8011 OF 2016

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to

stay all further proceedings in O.S.No. 859 of 2010 on the file of the I Additional Senior Civil Judge, at Warangal, pending disposal of the main C.R.P.

Counsel for the Petitioners : SRI. S CHALAPATHI RAO

Counsel for the Respondents: G L NARASIMHA RAO

The Court made the following : ORDER

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CIVIL REVISION PETITION No.6114 of 2016

ORDER:

Heard on petitioners' side. No representation on respondents' side.

2. Challenge in this revision petition is the order that is rendered by the Court of I Additional Senior Civil Judge, Warangal in I.A.No. 235 of 2016 in O.S. No. 859 of 2010, dated 21.10.2016.
3. The Interlocutory Application under challenge was filed by respondent Nos.1 and 2 herein, who are the plaintiffs to the suit, under Order 1 Rule 10(2) C.P.C. seeking the Court to permit them to implead the revision petitioners herein as the defendants to the suit. Considering the grounds urged and also considering the pleas taken by the respondent Nos.1 and 2 herein, the trial Court came to the conclusion that the request made is justifiable and, thereby, allowed the application filed praying to implead the revision petitioners herein as

parties to the suit. Aggrieved by the said order, the revision petitioners are before this Court.

4. The suit in O.S.No.859 of 2010 is filed for partition of the suit schedule property. It is not in dispute that the first revision petitioner is the daughter of Basavaiah, whose property is under question. The version of the plaintiffs to the suit i.e. respondent No.1 and 2 herein is that themselves and the defendant Nos. 1 and 2 are members of Hindu Undivided Mitakshara Family and that they inherited the suit schedule property. Their contention is that during the pendency of the suit, the defendant No.1 executed a gift deed in favour of the revision petitioner No.1 herein who is none other than her daughter, and the revision petitioner No.1 in turn along with defendant No.1 executed a registered sale deed in respect of part of the suit property in favour of the revision petitioner No.2 herein. By stating that they are not entitled to do so, respondent Nos.1 and 2 sought to implead them as parties to the suit. However, the revision petitioners resisted the relief sought

for by contending that the plaintiffs to the suit have nothing to do with the said property and that another suit vide O.S.No.790 of 2011, which was filed by the revision petitioner No.1 for grant of perpetual injunction, is pending before the Court of Principal Junior Civil Judge, Warangal. Having considered the rival pleas, the trial Court came to a conclusion that their presence is essential and, therefore, granted permission to implead them as defendants to the suit.

5. Before this Court, learned counsel for the revision petitioners contends that the property that was gifted to revision petitioner No.1 is not the subject matter for partition and, therefore, impleading her in the suit is not necessary. Learned counsel for the revision petitioner also states that the revision petitioner No.2, who got title through a registered sale deed and became owner of the property, over which the plaintiffs to the suit, have no claim or title, cannot be impleaded as party and, therefore, the Court ought not to have entertained the application.

6. However, a perusal of the impugned order reveals that the trial Court taking all the aspects into consideration, came to the conclusion that the relief sought for by the plaintiffs to the suit is justifiable. The specific contention of the plaintiffs to the suit is that, the transactions that went on in respect of property in question are hit by Section 62 of Transfer of Property Act. Whether the said contention is justifiable or not is to be discussed and deliberated after due trial.
7. The plaintiffs to the suit cannot be precluded from brining all the necessary parties on record. Further, having regard to the nature of the *lis*, this Court is of the opinion that their presence is essential for disposal of the suit in a proper and justifiable manner. This Court does not find any infirmity in the impugned order warranting interference by this Court.
8. Therefore, this Court concludes that there are no grounds to set aside the impugned order.

9 Resultantly, the Revision Petition is dismissed, confirming the order rendered by the Court of I Additional Senior Civil Judge, Warangal in I.A.No.235 of 2016 in O.S.No.859 of 2010, dated 21.10.2016

10. As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

//TRUE COPY//

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The I Additional Senior Civil Judge at Warangal.
2. One CC to SRI. S CHALAPATHI RAO Advocate [OPUC]
3. One CC to SRI. G L NARASIMHA RAO Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

IKV
SB



HIGH COURT

DATED:13/04/2022



ORDER

CRP.No.6114 of 2016

DISMISSING THE C.R.P

(6) VLV
27/6/22