

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

CIVIL REVISION PETITION NO: 2928 OF 2023

Petition under Article 227 of the Constitution of India, aggrieved by the Order dated 01-08-2023 in IA No. 249 of 2023 in OS No. 105 of 2014 on the file of the Court of the Additional Senior Civil Judge at Gadwal.

Between:

J. Kalyan Kumar, S/o J. Raghanvendhara Rao, Age- 42 yeas, Occ.- Business, R/o. 14-107/19, New Bus Stand, leeja Village and Mandal, Jogulamba Gadwal District.

...Petitioner/Respondent No.8

AND

1. Smt. J. Gayathri,, D/o.Late J. Raghavendra Rao, W/o. Anil Kumar, Aged about 34 years, Occupation- House Wife and Agriculture, R/o. H.No. 1-12-V92, Venu Colony, Gadwal Tow, Jogulamba Gadwal District. No.13
2. J. Jankamma (Died), Nagarkurnool District
3. J. Suguna, W/o J. Vijaya Rao, Age- 59 years, Occ- Govt., Employee, R/o H.No.2-65, Owsaligalli, Near Navatha Transport, Achampeta Town, Nagarkurnool District.
4. J. Shilpa, D/o Vijaya Rao, Age- 32 yeas, Occ- House wife, R/o H.No.2-65, Owsaligalli, Near Navatha Transport, Achampeta Town, Nagarkurnool District.
5. J. Chiranjivi, S/o Vijaya Rao, Age.-31 years. Occ.- Student. R/o H.No.2-65, Owsaligalli, Near Navatha Transport, Achampeta Town, Nagarkurnool District.
6. J. Priyanka, D/o J. Vijaya Rao, Age.- 29 years, Occ.- Student, R/o H.No.2-65, Owsaligalli, Near Navatha Transport, Achampeta Town, Nagarkurnool District.
7. J. Narsing Rao, S/o J. Raghanvendhara Rao, Age.- 60 years, Occ.- Govt.,Employee, R/o office of the Thasildahr, Lingala.
8. J. Sudhkar Rao, S/o J. Raghanvendhara Rao, Age.- 57 years, Occ.- Pvt. Employee, R/o H.No.15-110, Bharna Veedi, leeja, Jogulamba Gadwal District.
9. J. Raju, S/o J. Raghanvendhara Rao, Age.- 40 yeas, Occ.- Business, R/o 14-107/19, New Bus Stand, leeja, Jogulamba Gadwal District.
10. J.Vijaya Laxmi, D/o. Late J Raghavendra Rao, W/o Ravi Kumar, Age.- 47 years, Occ.- House wife, R/o.Raichur Town and Raichur District.

11. J.Kalpana @ Sandhya, D/o. Late J. Raghavendra Rao, W/o Nagabhshan Rao, Age.- 55 years, Occ.- House wife, R/o 1 Cross, Yadlapur, Shakthinagar Post, Raichur District.
12. Surekha, D/o. Late J Raghavendra Rao, W/o Maruthi Rao, Age.- 43 yeas, Occ.- House wife, R/o Near Bus Stand, Shankthi Nagar, Raichur District.
13. J. Bhemsan Rao, S/o J. Raghavendra Rao, Age.- 58 years, Occ.- R.T.C. Bus Conductor, R/o A.P.S.R.T.C. Depo., Narayanpet.
14. Boya Hanumanthu, S/o Basanna, Age.- 47 years, Occ.- Agriculture, R/o leeja village and Mandal, Jogulamba Gadwal District.
15. Boya Savari, S/o Basanna, Age.- 36 years, Occ.- Agriculture, R/o leeja village and Mandal, Jogulamba Gadwal District.
16. Smt Sunkulamma, W/o. Keshanna, Age.- 75 years, Occ.- Agriculture, R/o leeja village and Mandal, Jogulamba Gadwal District.
17. Boya Chinna Thimmappa, S/o Keshanna, Age.- 43 years, Occ.- Agriculture, R/o leeja village and Mandal, Jogulamba Gadwal District.
18. Boya Anjaneyulu, S/o Keshanna, Age.- 47 years, Occ.- Agriculture, R/o leeja village and Mandal, Jogulamba Gadwal District.
19. Govindhamma, W/o Boya Pedda Thimmappa, Age.- 50 years, Occ.- Agriculture, R/o leeja village and Mandal, Jogulamba Gadwal District.
20. Anuweshari, D/o Boya Pedda Thimmappa, Age.- 34 years, Occ.- Agriculture, R/o leeja village and Mandal, Jogulamba Gadwal District.
21. Aruna, D/o Boya Pedda Thimmappa, Age.- 32 years, Occ.- Agriculture, R/o leeja village and Mandal, Jogulamba Gadwal District.
22. Padma, D/o Boya Pedda Thimmappa, Age.- 29 years, Occ.- Agrilculture, R/o leeja village and Mandal, Jogulamba Gadwal District. (R2 to R22 not necessary parties)

...Respondents

IA NO: 1 OF 2023

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 OS No. 105 of 2014, on the file of the Additional Senior Civil Judge at Gadwal.

Counsel for the Petitioner: Sri. POTTIGARI SRIDHAR REDDY

Counsel for the Respondents: Sri. CH. RAVINDER

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

CIVIL REVISION PETITION No.2928 OF 2023

ORDER:

Aggrieved by the order dated 01.08.2023 passed in I.A.No.249 of 2023 in O.S.No.105 of 2014, by the learned Additional Senior Civil Judge at Gadwal, the present Civil Revision Petition is filed.

2. The petitioner is plaintiff No.8 in the suit. The respondent No.1 herein had filed I.A.No.249 of 2023 in O.S.No.105 of 2014 on the file of Additional Senior Civil Judge, Gadwal, under Order I Rule 10 r/w Section 151 of CPC, seeking to implead him as plaintiff No.13 in the suit. The Court below allowed the said application impleading the respondent No.1 herein as plaintiff No.13 in the suit.

3. The case of the respondent No.1/plaintiff No.13 is that her father Sri J.Raghavendra Rao had six (6) sons and four (4) daughters, died intestate leaving his wife Smt.J.Janakamma and his children as his legal heirs. It is the case of the respondent No.1/plaintiff No.13 that Sri J.Vijaya Rao, who is elder son of Sri J.Raghavendra Rao, died intestate leaving behind respondents/defendant Nos.1 to 5 and even though respondent No.1/plaintiff No.13 is having succession rights in

the joint family, she was not impleaded as a party in O.S.No.105 of 2014. Therefore, she filed an application to implead her as plaintiff No.13 and the same was allowed.

4. Sri Ch.Ravinder, learned counsel appearing for respondent No.1 herein has vehemently contended that the petitioner herein and others have instituted the said suit without impleading the respondent/plaintiff No.13 as party in the suit.

5. Learned counsel for the petitioner submits that the trial Court failed to appreciate the fact that even if respondent No.1 herein had any semblance of right, she could not be impleaded as a plaintiff in the suit.

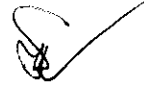
6. Since it is a settled law that all the co-sharers are entitled for a share in the joint family property by impleading themselves as either plaintiff or defendant in the suit, there is no illegality or irregularity committed by the Court below in allowing the application filed by respondent No.1/plaintiff No.13. Therefore, this Court is not inclined to exercise its discretion under Article 227 of the Constitution of India to interfere with the impugned order dated 01.08.2023 passed by the Court below in I.A.No.249 of 2023 in O.S.No.105 of 2014.

7. Accordingly, this Civil Revision Petition is dismissed. It is needless to mention that the petitioner herein is entitled to agitate all his contentions in the subject suit, when the same is taken up for hearing. No order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

//TRUE COPY//

SD/- V. KAVITHA
ASSISTANT REGISTRAR



SECTION OFFICER

To,

1. The Additional Senior Civil Judge at Gadwal
2. One CC to SRI. POTTIGARI SRIDHAR REDDY Advocate [OPUC]
3. One CC to SRI. CH RAVINDER Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:29/12/2023



ORDER

CRP.No.2928 of 2023

**DISMISSING THE CIVIL REVISION PETITION
WITHOUT COSTS.**

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