

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

**SATURDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

CIVIL REVISION PETITION NO: 3051 OF 2023

Petition Under Article 227 of the constitution of India against the Order dated 03-07-2023 passed in I.A.No.257 of 2019 in O.S.No.67 of 2016 on the file of the Court of the Senior Civil Judge at Huzurnagar, Suryapet District.

Between:

Kuruguntla Soujanya @ Chinta Soujanya, (D/o. Appi Reddy, R/o.Behind H.No.4-68/A/5, Near Shiva Towers, Shivasainagar, Khammam Road, Kodad Town and Mandal, Suryapet District.

...Petitioner/Defendant No.1

AND

1. Yalaka Sudhakar Reddy, S/o.Venkata Reddy, Occ. Advocate, R/ o.H.No.3-217/ 1/A, Nayanagar, Kodad Town and Mandal, Suryapet District.

...Respondent/Plaintiff

2. Chinta Hanuma Reddy, S/o.Late Chandra Reddy, Occ. Agriculture R/o.Gudibanda Village, Kodad Mandal, Suryapet District.

...Respondent/Proposed Defendant No.2

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 O.S.No.67/2016 on the file of the Senior Civil Judge at Huzurnagar, pending disposal of the CRP.

IA NO: 2 OF 2023

Between:

Yalaka Sudhakar Reddy, S/o.Venkata Reddy, Occ. Advocate, R/ o.H.No.3-217/ 1/A, Nayanagar, Kodad Town and Mandal, Suryapet District.

...Petitioner/Respondent No.1

AND

1. Kuruguntla Soujanya @ Chinta Soujanya, (D/o. Appi Reddy, R/o.Behind H.No.4-68/A/5, Near Shiva Towers, Shivasainagar, Khammam Road, Kodad Town and Mandal, Suryapet District.

...Respondent/Petitioner

2. Chinta Hanuma Reddy, S/o.Late Chandra Reddy, Occ. Agriculture R/o.Gudibanda Village, Kodad Mandal, Suryapet District.
(R2 not necessary party in this petition)

...Respondent/Respondent

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 vacate the interim stay granted on 13-10-2023 and dismiss the IA No.1 of 2023 in C.R.P No.3051 of 2023 or else this respondent will be put to irreparable loss and hardship.

Counsel for the Petitioner: Sri P NAGENDRA REDDY

Counsel for the Respondent No.1: Sri V RAGHU

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

CIVIL REVISION PETITION No.3051 OF 2023

ORDER:

Aggrieved by the order passed in I.A.No.257 of 2019 in O.S.No.67 of 2016, dated 03.07.2023 on the file of the Senior Civil Judge at Huzurnagar, Suryapet District, the present Civil Revision Petition is filed.

2. The petitioner, who is the defendant in O.S.No.67 of 2016, filed I.A.No.257 of 2019 under Order I Rule 10(2) R/w Section 151 of CPC on the file of the Senior Civil Judge at Huzurnagar, Suryapet District seeking to implead her husband i.e., respondent No.2 herein, as party defendant in the said suit.

3. In the affidavit filed in support of the application to implead respondent No.2 as party defendant No.2 in the said suit, the petitioner has stated that there are disputes between the petitioner and respondent No.2 and one Palla Maheshwar Reddy acted as mediator to settle the disputes between them and in that process, respondent No.2 had allegedly executed sale deeds and gift deeds in her favour, but, later lodged a complaint against her stating that he had not executed any such registered documents in her favour. It is the further case

of the petitioner that one Palla Maheshwar Reddy filed a suit against her in O.S.No.194 of 2011 on the file of the Principal District Judge, Nellore and to file written statement in the said suit, she approached respondent No.1 for advice and respondent No.1 enquired about the previous and present circumstances and as per the instructions of the petitioner, respondent No.1 typed two set of papers and did not explain its contents and filed the set of papers in the said case through Sri M.Srinivasulu, Advocate. Later, she came to know that respondent No.1 prepared the matter against her instructions and typed the same in favour of respondent No.2 (her husband) herein. Later, the petitioner filed written statement in Telugu by denying the contents of the suit in O.S.No.194 of 2011 filed by one Palla Maheshwar Reddy.

4. It is the further case of the petitioner that she has submitted a complaint against respondent No.1 before the Bar Council of State of Andhra Pradesh and subsequent to filing the said complaint, the matter was settled under a settlement deed and in view of the compromise, the petitioner did not appear before the Bar Council of State of Andhra Pradesh, at Hyderabad and the said complaint was rejected. Due to the complaints filed by the petitioner, respondent No.1 contended

that he lost his reputation in the society and he was also falsely prosecuted before the Bar Council of State of Andhra Pradesh, at Hyderabad and he sought for damages from the petitioner for alleged malicious prosecution before various authorities.

5. It is the contention of the petitioner that the alleged settlement, dated 21.05.2014 between her and respondent No.2 was prepared by respondent No.1, as such respondent No.2 is necessary party to the present suit proceedings.

6. After considering the contentions of both the parties, the Court below while dismissing the petition observed that respondent No.1 has instituted the said suit against the petitioner herein and the said suit was in personal nature and there is no direct or legal interest much less equitable interest against the proposed party i.e., respondent No.2, therefore, the question of impleading respondent No.2 as defendant No.2 to the suit as necessary and proper party does not arise. It is further observed that in the absence of respondent No.2, the suit instituted by respondent No.1 can be decided effectively and completely. Therefore, the application filed by the petitioner herein to implead respondent No.2 was rightly dismissed by the trial Court. The petitioner being defendant in the suit is always

entitled to put forth her pleadings properly and effectively to satisfy the Court that she is not liable for payment of the damages claimed by respondent No.1.

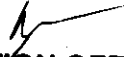
7. Since the petitioner is having right to establish her own case independently, this Court is of the view that there is no necessity to implead respondent No.2 herein as party defendant to the said suit for effective disposal of the suit.

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

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

SD/-P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Senior Civil Judge at Huzurnagar, Suryapet District.
2. One CC to Sri P NAGENDRA REDDY, Advocate [OPUC]
3. One CC to Sri V RAGHU, Advocate [OPUC]
4. Two CD Copies
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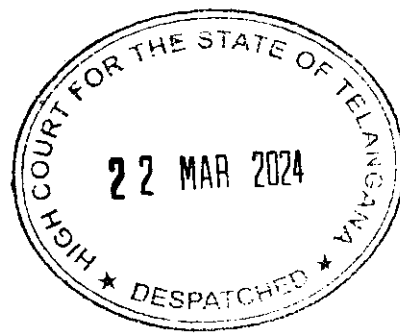


HIGH COURT

DATED:18/11/2023

ORDER

CRP.No.3051 of 2023



DISMISSING THE CRP

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