

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

CIVIL REVISION PETITION No.2360 of 2022

ORDER:

This Civil Revision Petition is filed against the Order of the trial Court in I.A.No.637 of 2021 in O.S.No.20 of 2015 dated 20.09.2022 on the file of learned I-Additional District Judge, Nizamabad.

2. The first petitioner/wife along with her sons filed a suit in O.S.No.20 of 2015 for partition and separate possession against respondent/husband. During the pendency of the suit petitioners herein filed I.A.No.637 of 2021 for impleading subsequent purchasers of the suit properties as respondents No.2 to 41, but the trial Court dismissed the said application by Order dated 20.09.2022. Aggrieved by the said Order, the present Civil Revision Petition is preferred.

3. The learned Counsel for the petitioners stated that the suit properties are the ancestral properties and he also mentioned the same in his plaint and further stated the pedigree in detail. He also stated that even in the written statement of the respondent, he has not stated anything regarding the sale of suit properties, only in the

cross-examination of the respondent, petitioners came to know about the sale deeds executed by him in favour of third parties. As such they filed an application for impleading all the purchasers to put an end to the multiplicity of the litigation, but the trial Court observed that sale deeds were executed in the year 2006, 2009 and 2013 and the suit is filed in the year 2015, as the sale deeds were executed much prior to filing of the suit, the implead application filed at the belated stage cannot be considered.

4. Admittedly, the suit is filed for partition between the respondent and petitioners regarding ancestral properties. The respondent executed sale deeds without the knowledge and consent of his wife and children, as such the subsequent purchasers are proper and necessary parties in the suit, but the trial Court erred in appreciating the facts properly. Therefore, the Order of the trial Court is erroneous and is liable to be set aside.

In the result, the Civil Revision Petition is allowed by setting aside the Order dated 20.09.2022 in I.A.No.637 of 2021 in O.S.No.20 of 2015 on the file of the learned I- Additional District Judge, Nizamabad.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE P.SREE SUDHA

DATED: 24.02.2023

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