

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

C.R.P. No. 3033 of 2022

ORDER:

The present Civil Revision Petition is filed challenging the order of the Principal District Judge, Yadadri-Bhuvanagiri, vide order dated 11.11.2022 in I.A.No.426 of 2022 in O.S.No.61 of 2016.

2. The revision petitioner is the petitioner in I.A.No.426 of 2022, seeking to implead himself in the suit filed by the respondent No.1 against the respondents No.2 to 7 as defendant after defendant No.7 to protect the rights and functions of IMI (India Mission Institute) and Indian Mission High School in the main suit. The same was contested by the plaintiff as well as other defendants and by order dated 11.11.2022 the I.A. was dismissed.

3. Lower Court has observed that the petitioner is claiming to be the Director of the plaintiff company, but has not produced any document to show that he is continuing as a Director of the company. It is also observed that the petitioner was aware of the proceedings of the pendency suit in the year

2016 itself and has not choosen to take any action, but has filed the present implead petition only to drag on the matter. Thus, observing, the I.A. was dismissed.

4. Learned counsel for the petitioner submitted that the petitioner has been disqualified as a Director and has challenged the said disqualification before this Court in a Writ Petition. It is submitted that there have been claims and counter claims by the petitioner as well as the plaintiff and the relevant documents have been filed before the lower Court, but the lower Court has not considered the same and has dismissed the I.A., without giving proper reasons.

5. Learned Caveator appearing for respondents, supported the order of the lower Court and submitted that since the petitioner admits that he has been disqualified as a Director and he is no longer an interested party and the lower Court has taken the same into consideration for dismissing the I.A. It is submitted that the petitioner has not filed any Writ Petition before this Court against the disqualification order and has not filed any document in proof of the same.

6. Having regard to the rival contentions and the material on record, this Court finds that the I.A. filed by the petitioner was to implead himself as a defendant to the suit, only to protect the interest of the plaintiff. To protect the interest of the plaintiff, he has to be a necessary and interested party and has to be part of the plaintiff company. As observed by the lower Court, the petitioner has not been able to produce any evidence that he was the Director of the plaintiff company at the time of filing of the suit or filing of I.A.No.426 of 2022.

7. Learned counsel for the petitioner has not been able to rebut the finding of the lower Court that he was aware of the suit in the year 2016 itself and that he has never raised any dispute with regard to the suit till the matter reached the stage of arguments and disposal.

8. In view of these findings, which could not be rebutted by the learned counsel for the petitioner with any cogent evidence, this Court does not find any reason to interfere with the order of the lower Court.

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

Miscellaneous petitions, if any, pending in this Civil
Revision Petition, shall stand closed.

Date: 27.01.2023
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JUSTICE P.MADHAVI DEVI

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