IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SMT JUSTICE K. SUJANA

CIVIL REVISION PETITION Nos: 2083 & 2085 of 2021

Civil Revision Petition No.2083 of 2021

Petition under Article 227 of the Constitution of India, aggrieved by the order dated 30-09-2021 passed in I.A.No.723 of 2021 in OS.No.976 of 2013 on the file of the Court of the XXV Additional Chief Judge, City Civil Court at Hyderabad.

Between:

Gorala Narsinga Rao, S/o.Late G Muthaiah, Age: 53 years, Occ: Tea Vendor, H.No.6-3-609/120/11, Anand Nagar Colony, Khairthabad, Hyderabad.

...Petitioner

AND

1. Gunti Yadaiah, S/o.Narayana, Age: 63 years, Occ: Business, R/o.H.No.6-3-609/119, Anandnagar Colony, Khairthabad, Hyderabad.
2. P.Kistaiah, S/o. Pocaiah, Age: 63 years, Occ: Retired Employee, R/o. H.No. 6-3-609/120, Anandnagar Colony, Khairthabad, Hyderabad.

(The 2nd Respondent was set exparte and as such not necessary party)

...Respondent/s

IA NO: 1 OF 2021

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 suspend the order dated 30-09-2021 in I.A.No.723 of 2021 in OS.No.976 of 2013, on the file of the XXV Additional Chief Judge, City Civil Court.

Counsel for the Petitioner: Sri Raja Shekar Rao Salvaji

Counsel for the Respondent No.1: Sri Syed Razzaq Ahmed

Civil Revision Petition No.2085 of 2021

Petition under Article 227 of the Constitution of India, aggrieved by the order dated 30-09-2021 passed in I.A.No.87 of 2021 in OS.No.976 of 2013 on the file of the Court of the XXV Additional Chief Judge, City Civil Court at Hyderabad.

Between:

Gorala Narsinga Rao, S/o.Late G Muthaiah, Age: 53 years, Occ: Tea Vendor, H.No.6-3-609/120/11, Anand Nagar Colony, Khairthabad, Hyderabad.

...Petitioner

AND

1. Gonti Yadgiri Yadav, S/o Sattiah, Age: 45 years, Occ: Self Employed
2. Gonti Srinivas Yadav, S/o Satthaiah, Age: 43 years, Occ: Self Employed

   Both resident of H.No.6-3-609/120/5, Anandnagar Colony, Khairtabad, Hyderabad.

3. Gunti Yadaiah, S/o Narayana, Age: 63 years, Occ: Business, R/o.H.No.6-3-609/119, Anandnagar Colony, Khairthabad, Hyderabad.
4. P.Kistaiah, S/o. Pocaiah, Age: 63 years, Occ: Retired Employee, R/o. H.No. 6-3-609/120, Anandnagar Colony, Khairthabad, Hyderabad.

   (That no relief is sought against 3rd and 4th Respondents and as such are not necessary parties)

...Respondent/s

IA NO: 1 OF 2021

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 suspend the order dated 30-09-2021 in I.A.No.87 of 2021 in O.S.No.976 of 2013, on the file of the Honble XXV Addl. Chief Judge, City Civil Court.

IA NO: 5 OF 2024

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 extend the interim order dated 23.08.2024 granted in IA No 4 of 2024 in CRP No 2085 of 2021 till further orders.

Counsel for the Petitioner: Sri Raja Shekar Rao Salvaji

Counsel for the Respondent No.3: Sri Syed Razzaq Ahmed

The Court made the following: COMMON ORDER

THE HONOURABLE SMT JUSTICE K. SUJANA

CIVIL REVISION PETITION Nos.2083 & 2085/2021

COMMON ORDER:

Since the *lis* involved in both the revision petitions being same, they were heard together and are being disposed of by this common order.

2. CRP.Nos.2083 and 2085 of 2021 are filed challenging the challenging the common order dated 30.09.2021 passed in IA.Nos.723 and 87 of 2021 in OS.No.976 of 2013 respectively. IA.No.87 of 2021 was filed by respondents herein under Order I Rule 10 read with Section 151 of CPC praying to implead them as defendant Nos.3 and 4 in the suit and IA.No.723 of 2021 was filed under Order I Rule 13 read with Section 151 of CPC praying to implead plaintiffs in OS.No.1953 of 2019 (the two petitioners in IA.No.87 of 2021) as defendants in the suit. After hearing both sides, the trial Court allowed IA.Nos.87 and 723 of 2021 *vide* impugned common

order. Aggrieved thereby, these revision petitions are filed.

3. Heard Sri Raja Shekar Rao Salvaji, learned counsel for petitioners, and Sri Syed Razzaq Ahmed, learned counsel for respondents, in both the petitions.

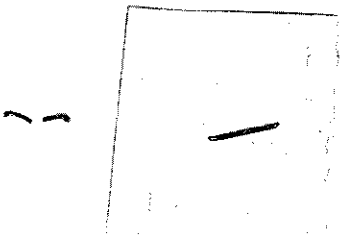
4. Learned counsel for petitioners submitted that the impugned common order passed by the trial Court is illegal, contrary to law and facts, weight of evidence, and probabilities of the case, and that the trial Court failed to appreciate that the original suit has been pending since the year 2013, and that the said petitions were frivolous attempt to drag the matter. He contended that the schedule property in O.S.No.1953 of 2019, filed by the cousin of respondent No.1, is entirely different from the suit property, and that respondent No.1 has no *locus standi* to compel the plaintiff to include additional defendants against whom no relief is sought. Therefore, while advocating that O.S.No.1953 of 2019 is a collusive suit filed on behalf of the respondent NO.1, prayed this

Court to allow the revision petitions, setting aside the impugned common order.

5. On the other hand, learned counsel for respondents, vehemently opposed the submissions made by learned counsel for petitioners and contended that petitioner is guilty of gross misrepresentation of facts and has come before this Court with unclean hands. He averred that petitioner/plaintiff has filed the suit for declaration of title and injunction for land measuring 400 square yards, whereas, they are in actual physical possession of only 60 square yards and that the suit schedule property was originally part of a larger land owned by Mohammed Mirza, which was later purchased by AG Co-operative Housing Society Limited in 1961. Further, the said Society then divided the land into 136 plots, with plot numbers 27 and 28 being in the possession of the parties to the suit. He lamented that the petitioner/plaintiff suppressed material facts, including the pendency of O.S.No.1935 of 2019, which was filed by other families residing in the suit schedule

property. Therefore, while advocating that there are no illegalities in the impugned common order, prayed this Court to dismiss the revision petitions, as the same lacks merits.

6. Having regard to the rival submissions made and on going through the material placed on record, this Court observes that there is a strong title dispute between the parties in respect of the suit property. The contention of petitioner/plaintiff is that the suit property is part of a larger parcel of land purchased by his father and five others, while the respondents/proposed defendants contend that the property is part of a development by AG Co-operative Society. In other words, it can be said that not only the title to the property is in dispute, but also the very identity of the suit property is in dispute. Further, the proposed defendants, who contend to be the neighbours of the petitioner, were present when the Police came to the suit property and resisted the attempt of petitioner to dig a borewell. Furthermore, the proposed defendants contend to be in



possession of part of the suit property and that the petitioner is falsely claiming title to 400 square yards of land.

7. That apart, learned counsel for petitioner raised strong objection to the impleading of the proposed defendants, contending that they have not filed any documents to assert their title over the suit property. Further, the addresses of the parties would show that they are all neighbours. Therefore, this Court is of the opinion that impleading the proposed defendants will not cause any prejudice to the petitioner and will instead help the Court to decide the real question in controversy. The suit was filed for declaration of title in respect of immovable property, and that it is incumbent upon the trial Court to decide all rival claims in one suit, rather than allowing the plaintiff to file multiple declaratory suits against different neighbours. Therefore, this Court holds that the proposed defendants are proper and necessary parties to the suit and there are no infirmities or illegalities in the impugned common order. There are

no merits in these revision petitions and the same are liable to be dismissed.

8. Accordingly, these Civil Revision Petitions are dismissed. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

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SECTION OFFICER

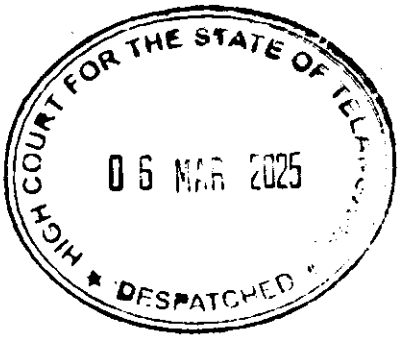
To,

1. The XXV Additional Chief Judge, City Civil Court at Hyderabad.
2. One CC to Sri Raja Shekar Rao Salvaji, Advocate [OPUC]
3. One CC to Sri Syed Razzaq Ahmed, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:16/12/2024



COMMON ORDER

CRP.Nos.2083 & 2085 of 2021

THESE CIVIL REVISION PETITIONS ARE DISMISSED

(6) Copies

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