

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: C.R.P.No.2377 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	25.07.2025	<u>EVV,J</u> <u>C.R.P.No.2377 of 2025</u> Notice before admission. Learned counsel appearing for the petitioner is also permitted to take out personal notice to respondent Nos.2 to 8 and 10 through RPAD and file proof of service into the Registry. Learned counsel for respondent No.9 is present. List on 22.08.2025. <u>I.A.No.1 of 2025</u> Learned counsel appearing for the petitioner submitted that the petitioner has purchased land to an extent of 626.60 sq.yards in Sy.No.234 within the limits of Jagtial Town <i>vide</i> a registered sale deed bearing document No.3821 of 2016, dated 14.07.2016 and also another extent of 52 sq.yards in the same survey number <i>vide</i> a registered sale deed bearing document No.3807 of 2016, dated 14.07.2016. Respondent No.2 herein/defendant in O.S.No.137 of 2024 (old O.S.No.124 of 2012) has filed O.S.No.81 of 2012, wherein	<i>Transferred to IO folder before making corrections</i>

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		the petitioner got impleaded in the said suit as plaintiff No.2 by filing I.A.No.360 of 2023. The property which is purchased by the petitioner is the subject matter of a O.S.No.137 of 2024. Since the petitioner acquired interest in the suit schedule property, he is a proper and necessary party for determination of lis involved in the suit accordingly he has filed I.A.No.589 of 2024 in O.S.No.137 of 2024 praying to implead him as defendant No.2 in O.S.No.137 of 2024. But the trial Court failed to look into Order 1 Rule 10(2) C.P.C provision and erroneously dismissed I.A.No.589 of 2024 in O.S.No.137 of 2024. The relevant portion reads as under: <i>“14. This shows that the impleadment under Order XXII Rule 10 C.P.C is not automatic and this court in the foregoing discussion held that considering the facts the petitioner herein is not a necessary party for the proper disposal of the suit and his impleadment in one of the suit filed by his vendor cannot automatically give any right of impleadment to the petitioner to get impleaded in the present suit.”</i> Learned counsel also relied upon the Judgment passed by the Hon’ble Apex Court in the case of A.Nawab John and others vs. V.N.Subramaniam (2012 (7) SCC 738) which categorically held that pendency of a suit does not prevent one of	

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		the parties from dealing with the property. However the alienation of the property does not affect the rights of the parties who are contesting the suit and any alienation is subject to the right of the parties determined in the suit. Similarly, the Hon'ble Apex Court while interpreting Order XXII Rule 10 C.P.C along with Section 52 of Transfer of Property Act, in the case of Amit Kumar Shah and another vs. Fareeda Khatoon has clearly held that transferee <i>pendente lite</i> is entitled to be impleaded in a suit. As such, dismissal of I.A.No.589 of 2024 is arbitrary and unjust. Learned counsel appearing for respondent No.1 would submit that both the suits are to be examined independently and the suit filed by respondent No.1 for granting injunction is against respondent No.2 and the petitioner is not a party and hence the petitioner has not locus to file the implead petition. It is necessary to hear respondent No.2. In view of the rival contentions advanced on either side, this Court is of the opinion that the matter requires detailed examination. In the meantime, as an interim measure, there shall be an	

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		interim stay of all further proceedings in O.S.No.137 of 2024 (old O.S.No.124 of 2012) on the file of the learned Senior Civil Judge at Jagtial till the next date of hearing. EVV,J VSU/SPD	