

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

MONDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

CIVIL REVISION PETITION NO: 717 OF 2021

Petition under Article 227 of the Constitution of India, aggrieved by the Order passed in I.A. No. 62 of 2019 in O.S.No. 149 of 2009 dated 12/04/2021 on the file of the Court of the Junior Civil Judge, Tandur at Ranga Reddy District.

Between:

Mr. B. Srinivas, S/o B. Chandra Shekar, aged about 42 years, Occ. Business, R/o H. No, 3-1-12, Saraswathamma Compound, Vinayak Chowk, Tandur, Vikarabad District.

...PETITIONER/PETITIONER/PLAINTIFF

AND

1. Mr. B. Shiva Kumar, S/o. Vijay Kumar, Aged about 35 years, Occ. Business, R/o. Raghavendra Colony, Tandur, Vikarabad District.
2. Mrs. B. Savithri, W/o. Vijay Kumar, Aged about 50 years, Occ. Household, R/o, H. No. 1-3-18, Raghavendra Colony, Tandur, Vikarabad District.
3. Mr. Bichala Arvind Kumar, S/o. Chinna Ramulu, Aged about 46 years, Occ. Business, R/o. H. No. 4-1-14, Nehru Gunj, Tandur, Vikarabad District.

....RESPONDENT/RESPONDENTS/DEFENDANTS

4. Mrs. Bichala Vinoda, W/o. Bichala Arvind Kumar, Aged about 54 years, Occ. Housewife, R/o. H. No. 4-1-14, Nehru Gunj, Tandur, Vikarabad District.

...RESPONDENT/RESPONDENT/PROPOSED DEFENDANT

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 stay all further proceedings in O.S.No. 149 of 2009 on the file of the Honorable Junior Civil Judge, Tandur at Ranga Reddy, pending disposal of the Revision in the interest of justice.

IA NO: 2 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 extend the interim orders granted on 30/04/2021 till further orders in the interest of Justice.

Counsel for the Petitioner: SRI. AADESH VARMA

Counsel for the Respondents:

The Court made the following: ORDER

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

**THE HON'BLE SRI JUSTICE NARSING RAO
NANDIKONDA**

CIVIL REVISION PETITION No.717 of 2021

15th DECEMBER, 2025

Between:

Mr.B.Srinivas

...Petitioner/Plaintiff

and

1.Mr.B.Shiva Kumar

2.Mrs.B.Savithri

3.Mr.Bichala Arvind Kumar

...Respondents/defendants

4.Mrs.Bichala Vinoda

...Respondent/proposed defendant

ORDER:

This Civil Revision Petition is filed by the petitioner/plaintiff assailing the order dated 12.04.2021 in I.A.No.62 of 2019 in O.S.No.149 of 2009 passed by the learned Junior Civil Judge, Tandur, Rangareddy District (hereinafter referred to as "trial Court"), wherein the learned Judge dismissed the said application filed by the petitioner herein praying to implead respondent No.4 as

proposed defendant No.4 in the said Suit under Order I Rule 10 CPC.

For the sake of convenience and clarity, the parties herein shall be referred to, as they are arrayed before the trial Court.

2. The brief facts of the case are that the petitioner/plaintiff filed a suit against respondent Nos.1 to 3/defendant Nos.1 to 3, seeking the relief of perpetual injunction in respect of House No.3-1-16, admeasuring 24.8 square yards, situated at Saraswathamma Compound, Vinayak Chowk, Tandur, Vikarabad District.

3. During the pendency of the suit, the petitioner/plaintiff filed an application under Order I Rule 10 CPC in I.A. No. 62 of 2019 in O.S. No.149 of 2009, contending that defendant No. 3 had transferred the suit schedule property in favour of the proposed defendant No.4 vide Document No.3572/2010 dated 24.11.2010. It is further contended that after institution of the suit and during its pendency, despite there being a temporary injunction operating against the respondents/defendants, they failed to abide by it in disobedience executed documents in favour of the wife of

defendant No. 3, thereby necessitating the impleadment of the proposed defendant.

4. The respondent No. 4/proposed defendant filed a counter denying the averments made in the application, contending that she is a subsequent purchaser for valuable consideration and, therefore, need not be impleaded in a suit for simplicitor injunction. It is further contended that the application is hit by the provisions of the Transfer of Property Act and that she is neither a necessary nor a proper party to the suit; hence, respondent No. 4 cannot be impleaded as defendant No. 4 for adjudication of the case.

5. Upon consideration of the petition and the counter, the learned Judge dismissed the application, holding that the suit was filed for perpetual injunction based on the cause of action dated 23.11.2009 against respondent/defendant Nos. 1 to 3, who were alleged to be interfering with the peaceful possession and enjoyment of the petitioner/plaintiff. The Court observed that there was no cause of action against the proposed defendant and that she was neither a necessary nor a proper party to the proceedings.

It was further held that the suit could be effectively proceeded with in her absence, and accordingly, the application was dismissed.

6. Aggrieved by the said order, the present petition is filed on the ground that the learned Judge failed to consider that the suit property and the property transferred in favour of the proposed defendant are one and the same, and that the transfer was affected during the pendency of the suit with an intention to defeat the interim injunction. It is contended that the learned Judge, without properly appreciating these facts, erroneously concluded that there was no cause of action against the proposed defendant and failed to appreciate that she is a necessary and proper party for effective adjudication of the dispute, thereby wrongly dismissed the impugned I.A.

7. Heard **Mr.Aadesh Verma**, learned counsel for the petitioner/plaintiff. No representation on behalf of respondents/defendants. Perused the record.

8. Admittedly, the suit was filed against defendant Nos. 1 to 3 alleging that on 23.11.2009 respondents/defendant Nos.1 to 3, along with their supporters, attempted to interfere with the peaceful

possession and enjoyment of the petitioner/plaintiff over the suit schedule property. During the pendency of the said suit, respondent No. 3/defendant No. 3 transferred the suit schedule property in favour of his wife, namely Mrs.Bichala Vinoda, under Sale Deed Document No. 3572 of 2010 dated 24.11.2010, which prompted the petitioner to file an application seeking impleadment of the subsequent purchaser.

9. It is well settled law that while considering an application under Order I Rule 10 CPC, the Court has to examine whether the party sought to be impleaded is a necessary or proper party. A party can be said to be a necessary party only if, in its absence, the suit cannot be effectively adjudicated. A party may be a proper party if its presence would enable the Court to completely and effectively adjudicate upon the issues involved; however, mere convenience or better adjudication is not sufficient to mandate impleadment if the *lis* can be decided in their absence.

10. In the present case, the cause of action pleaded by the petitioner arose much prior to the execution of the sale deed in favour of the proposed defendant. As rightly held by the learned

trial Court, no independent cause of action has arisen against respondent No.4/proposed defendant merely on account of the transfer effected by defendant No. 3 during the pendency of the suit. It is not the case of the petitioner that respondent No. 4 is interfering with the suit schedule property pursuant to the said sale deed.

11. Further, mere transfer of title by defendant No. 3 in favour of respondent No. 4 does not give rise to a fresh cause of action. The relief sought in the suit is one of perpetual injunction against the defendants in *personam*, and in the absence of specific allegations against respondent No. 4, her presence is not essential for adjudication of the *lis*. The petitioner is also not precluded from seeking appropriate remedies against respondent No. 4 by instituting separate proceedings, if so desires and the rights of the petitioner are not extinguished by such transfer.

12. In view of the above facts and circumstances, it is rightly held by the learned trial Court that the suit can be effectively proceeded with, even in the absence of respondent No. 4, and she cannot be treated as either a necessary or proper party. Therefore,

this Court do not find any ground to interfere with the findings recorded by the trial Court.

13. With the above observation, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

Sd/- M. OSMAN ALI BAIG
ASSISTANT REGISTRAR

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SECTION OFFICER

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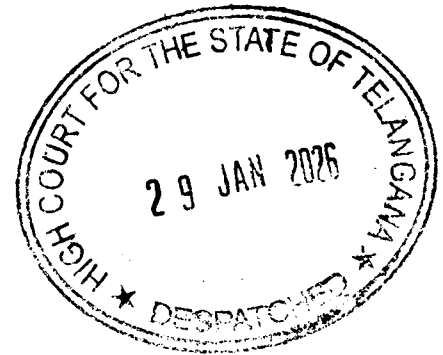
1. The Junior Civil Judge, Tandur at Ranga Reddy District.(with records, if any)
2. One CC to SRI. AADESH VARMA Advocate [OPUC]
3. Two CD Copies



PM/kam

HIGH COURT

DATED:15/12/2025



ORDER

CRP.No.717 of 2021

DISMISSING THE CIVIL REVISION PETITION

⑤ MT
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