

(2012) 01 AP CK 0071

In the Andhra Pradesh High Court

Case No : Civil Revision Petition No's. 3358, 3359 and 3360 of 2011

K. Madhavalatha and 3 others

APPELLANT

Vs

Sri C.P. Rajendra Naidu and 2 others

RESPONDENT

Date of Decision : 18-01-2012

Acts Referred:

Citation : (2012) 3 ALD 128 : (2012) 3 ALT 233

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : K. Ramakrishna Rao and Mr. Meherchand Nori, for the Appellant;

Final Decision : Dismissed

Judgement

C.V. Nagarjuna Reddy

1. Since these three Civil Revision Petitions arise out of a Common Order and the parties are also common, these cases are heard and being disposed of together.

2. Notices have been served on respondent No. 1 in all these Civil Revision Petitions. Since respondent Nos. 2 and 3 are only proforma parties, no notices need be served on them.

3. Respondent No. 1 filed OS. No. 332 of 2010 for permanent injunction restraining respondent Nos. 2 and 3 from interfering with his possession of the suit schedule property. Pending the suit, respondent No. 1 filed applications for appointment of a Commissioner and for interim injunction restraining the official respondents from interfering with his possession of the suit schedule property. While so, the petitioners filed IA. Nos. 1235, 1236 and 1237 of 2010 seeking their impleadment in the said applications and the suit. All these applications have been dismissed by the Court below. Hence, the present Civil Revision Petitions.

4. Heard Sri K.Rama Krishna Rao, learned Counsel, representing Sri Meherchand Nori, learned Counsel for the petitioners, and perused the record.

5. In the impugned Common Order, the Court below has delved into the matters of the petitioners' claim relating to their title, possession and enjoyment of the suit schedule property. In my opinion, the Court below ought not to have considered these aspects, which would have been germane for consideration in the suit, in the event of the petitioners' impleadment in the suit. When an application for impleadment of a party is filed, all that the Court needs to consider is, whether the applicant has made out a prima facie case on his interest in the subject matter of the dispute and whether his presence is necessary for proper and effectual adjudication of the dispute. At the stage of considering such application, it is not permissible for the Court to discuss in detail on the plea of the applicant relating to his title, possession and enjoyment of the subject property.

6. Be that as it may, as noted above, the suit is filed by respondent No. 1 for permanent injunction against the revenue functionaries viz., Tahsildar and the District Collector. The plea of the petitioners is that they are in possession of the property in question. Respondent No. 1 has not claimed any relief against the petitioners. Therefore, even if the suit is decreed in favour of respondent No. 1, such a decree does not bind the petitioners. If the petitioners' possession is threatened by any of the respondents, they are always entitled to institute substantive proceedings to protect their possession and interest over the suit schedule property. In this view of the matter, I am of the opinion that the petitioners are neither necessary nor proper parties to the suit instituted by respondent No. 1.

7. Subject to the above observations, the Civil Revision Petitions are dismissed.

8. As a sequel, the interlocutory applications, filed by the petitioners for interim reliefs, are disposed of as infructuous.