
(2015) 03 AP CK 0061

In the Andhra Pradesh High Court

Case No : Civil Revision Petition No. 2416 of 2013

Khadirunnisa Begum and Others

APPELLANT

Vs

D.S.N. Raju and Others

RESPONDENT

Date of Decision : 20-03-2015

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10

Citation : (2015) 4 ALD 518 : (2015) 3 ALT 608

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

Bench : Single Bench

Advocate : Koneti Raja Reddy, for the Appellant; P. Venkata Swamy, Advocates for the Respondent

Final Decision : Allowed

Judgement

C.V. Nagarjuna Reddy, J.

1. This civil revision petition arises out of order, dated 16.10.2012, in I.A. No. 513 of 2011 in O.S. No. 57 of 2004, on the file of the learned V Additional District Judge (FTC), Ranga Reddy District at L.B. Nagar.

2. Though notices have not been served on some of the respondents, considering the fact that none of the unserved respondents have opposed the application of the petitioners for their impleadment in the suit before the lower Court, non-service of notices on them will not affect their interests.

3. Respondent Nos. 1 to 24 have filed the above-mentioned suit for declaration of title. Their claim is based on the alleged purchase of the suit schedule property by them from respondent Nos. 27 to 29. Respondent No. 25 is defendant No. 1 in the said suit. It has set up its own title through respondent No. 26, who is no more. The petitioners, who are related to respondent No. 26, filed I.A. No. 513 of 2011 for their impleadment on the ground that the property sold by respondent No. 26 to respondent No. 25 is the "mathruka" property and that they have also shares in the said property. Respondent No. 25 alone has contested the said

application. By the order under revision, the lower Court has dismissed I.A. No. 513 of 2011. Feeling aggrieved thereby, the petitioners filed this civil revision petition.

4. A perusal of the order of the lower Court shows that it has assigned a very strange reason for rejecting the petitioners' application. It has not rendered any finding that the petitioners have no interest in the subject matter of the suit. It has predicted the outcome of the suit and consequently held that as the suit in any event is going to be dismissed, no purpose will be served in impleading the petitioners.

5. In my opinion, such reasoning falls foul of the rationality and objectivity. Under Order I Rule 10 CPC, the Court is empowered to strike out or add parties and such power has to be exercised in a judicious manner. The petitioners claim interest over the property and it is their pleaded case that if declaration of title in respect of the suit schedule property is granted in favour of the plaintiffs, their interests will suffer. Irrespective of the merits of the claim of the petitioners, their impleadment would avoid multiplicity of proceedings, in that, the necessity for them to file a separate suit can be obviated if the present suit is decided in their presence. Curiously, respondent Nos. 1 to 24/plaintiffs have not opposed the application of the petitioners, while respondent No. 25 who alone is the contesting defendant has opposed the said application. Respondent No. 25 has not explained as to how his interest will be affected by the presence of the petitioners. The lower Court has failed to consider the application of the petitioners from proper perspective and adopted a lopsided reasoning in dismissing the application of the petitioners.

6. For the above-mentioned reasons, the order of the lower Court is set aside and I.A. No. 513 of 2011 is allowed. The civil revision petition is accordingly allowed.

7. As a sequel to disposal of the civil revision petition, C.R.P.M.P. No. 3181 of 2013 shall stand disposed of as infructuous.