
Rev. Moyya Gabriel Dhanaraju Vs V. Venkata Kantharao and Another**CRP No. 4203 of 1996**

Court: Andhra Pradesh High Court**Date of Decision:** Aug. 6, 1998**Acts Referred:**

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

Citation: (1998) 5 ALD 298 : (1998) 5 ALT 600**Hon'ble Judges:** B.S.A. Swamy, J**Bench:** Single Bench**Advocate:** Mr. K.V. Subrahmanya Narasu, for the Appellant; Mr. Ch. Samson Babu, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

1. Questioning the order of dismissal passed in I.A. No. 143 of 1996 in O.S.No.7 of 1996 by the Additional Subordinate Judge, Srikakulam,

refusing to permit the petitioner to come on record as party defendant to the suit, the petitioner filed this revision petition.

2. The case of the petitioner is that the suit schedule property belongs to the Church and the 2nd respondent entered into an agreement to sell

away the property to the 1st respondent herein. Apprehending a collusive decree between the parties, the Pastor of the Church filed the present

application seeking permission to implead himself as a party defendant to the suit. The Additional Subordinate Judge dismissed the application on

the ground that on third party application can be entertained in a suit for specific performance.

3. Generally in a suit for specific performance third parties intervention is not appreciated. It is not rule of thumb more so in a case of this nature. It

is the case of the petitioner that the property belongs to the Church. In other words it is a property belonging to a Congregation and any one can

raise an objection and question the competence of the Association to sell away the property more so keeping the high inflation in the market rates

of the immovable properties in mind. Hence the Court should be more cautious in dealing with the properties belonging to a community or a class

and see that every possible precaution is taken that the persons in office at a particular time cannot squander away the properties of this nature

without the approval of the General Body. Hence the reasons given by the Subordinate Judge in dismissing the application are not sound in law.

4. Accordingly the order of the Subordinate Judge is set aside and the application for impleadment is allowed under Order 1 Rule 10 C.P.C.

5. The revision petition is allowed. No costs.