

(2012) 12 AP CK 0032

Andhra Pradesh High Court

Case No: CRP No. 5364 of 2012

Chinna Dasari Lakshmana Reddy

APPELLANT

Vs

Pedda Dasari Ramachandra

RESPONDENT

Reddy and Others

Date of Decision: Dec. 20, 2012

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 1 Rule 10, Order 6 Rule 17, 151
- Criminal Procedure Code, 1973 (CrPC) - Section 28

Citation: (2013) 3 ALD 71

Hon'ble Judges: G. Krishna Mohan Reddy, J

Bench: Single Bench

Advocate: T. Janardhan Rao, for the Appellant; V. Sudhakar Reddy for Respondent Nos. 1 to 3, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

G. Krishna Mohan Reddy, J.

This civil revision petition is filed against order dated 9.10.2012 passed in IA No. 722 of 2012 in OS No. 47 of 2004 on the file of Principal Junior Civil Judge, Sri Kalahasti, wherein and whereby that application filed under Order 1 Rule 10 and Order 6 Rule 17 and Section 151 of C.P.C read with Section 28 of C.R.P to add proposed parties 1 to 3 as the defendants 4 to 6 in the above said suit and amend the plaint consequentially, was dismissed. Heard.

2. The petitioner herein is the plaintiff and the respondents herein are the defendants and parties proposed to be added as the defendants 4 to 6 in the suit. For convenience sake, the parties are referred to as arrayed in the Court below.

3. The plaintiff mainly filed the suit i.e., OS No. 47 of 2004 on the file of Principal Junior Civil Judge, Sri Kalahasti, for declaration of title over the suit schedule property

whereas during the course of trial, the plaintiff filed the application in question to add the proposed parties 1 to 3 as the defendants 4 to 6 in the suit on the ground that they happened to be necessary parties which was dismissed, aggrieved by which the present civil revision petition is filed.

4. Learned Counsel for the plaintiff has submitted that the Court below ought to have seen that the wife and daughters of Rami Reddy are necessary and proper parties to the suit; and instead of allowing the impugned application, the Court below dismissed it and hence he prays to allow the revision petition.

5. On the other hand, learned Counsel for the respondents/defendants has submitted that the Court below rightly dismissed the impugned application and there are no merits in the present civil revision petition and is liable to be dismissed.

6. As seen from the impugned order, the Court below dismissed the impugned application on the ground that it was filed at a belated stage with an intention to drag on the suit proceedings. It is not a speaking order. Further, the Court below should have considered all the relevant questions raised with regards to adding the proposed parties who are said to be the Coparceners of the family of the defendants. In that view of the matter, the order passed by the Court below is liable to be set aside. Accordingly, the civil revision petition is allowed setting aside the order dated 9.10.2012 passed in IA No. 722 of 2012 in OS No. 47 of 2004 on the file of Principal Junior Civil Judge, Srikalahasti. However, the Court below is directed to dispose of the impugned Interlocutory Application taking into consideration the observations made above. No order as to costs.