

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWELVE

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No.1206 of 2012

BETWEEN

Dr. Pamireddy Bharathi.

... PETITIONER

AND

Palle Ram Reddy and others.

...RESPONDENTS

Counsel for the Petitioner: MR. S. SASIDHAR REDDY

Counsel for the Respondents: MR. KURITI BHASKAR RAO – R1

The Court made the following:

ORDER:

This revision is at the instance of the plaintiff in O.S.No.33 of 2006 on the file of the Junior Civil Judge, Ramannapet, Nalgonda District. The order impugned is one allowing the application, being I.A.No.82 of 2011, of the proposed defendant No.5 seeking impleadment in the suit. The said proposed party is the first respondent in this revision.

2. A suit for perpetual injunction was filed by the petitioner against the defendants 1 to 4. The first respondent herein filed the aforesaid application seeking impleadment in the suit on the ground that he has, allegedly, purchased a part of the suit schedule property from respondent

No.2/defendant No.1 under an agreement of sale cum general power of attorney dated 16.02.2009 and on that basis,
he claimed interest in the property. In spite of the petitioner opposing the said application by contending that he claimed no relief against the proposed defendant, the Court below allowed the said application.
The said order is questioned in this revision.

3. Heard both sides.

4. Plaintiff being a *dominus litus* cannot be compelled to fight his suit against such parties against whom he claims no relief.

5. Learned counsel for the petitioner reiterates that he has no claim against the proposed defendant and as such, the order impleading the proposed defendant No.5 in the suit would clearly enlarge the scope of the suit.

6. The contention of the learned counsel for the petitioner, therefore, being well-founded, the order of the Court below deserves interference and is required to be set aside. So far as the first respondent is concerned, if he claims any right, title or interest, it is open for him to institute his own suit, if he is so advised. However,
the first respondent cannot compel the petitioner to implead him in the present suit for perpetual injunction when petitioner does not claim any relief against the said proposed party.

The civil revision petition is accordingly allowed setting aside the impugned order. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

December 17, 2012
DSK

