

DECREEAL ORDER

THE COURT OF THE PRl. JUNIOR CIVIL JUDGE, HYD. WEST & SOUTH, R.P. DIST.
AT SAROORNAGAR, HYDERABAD.

PRESENT: KUNJ.Y. SUJANA KUMARI, B. SC., B. L.,
Prl. Junior Civil Judge,
Hyd. West & South, R.R. Dist.

Dated this the 2nd day of September, 1998.

I.A. 1853/97
in
O.S. 242/93

BETWEEN:

H. Nuralidhar Rao, S/o. late H.V. Narasiah,
Age: 41 Yrs., Occ: Business, R/o. 6-1-126,
Padmarao Nagar, Secunderabad.

.. PETITIONER/
PLAINTIFF

AND

1. Gurudev Siddapeet, Rep. by its Executive
Trustee Mr. Satish Modi, S/o. Manilal Modi,
Age: 54 Yrs., R/o. Saritha Apartments, Road
No. 4, Banjara Hills, Hyd.

2. Satish Modi, S/o. Manilal Modi, Age: 54 Yrs.,
Occ: Executive Trustee of Gurudev Siddapeet,
R/o. 4-4-187/3 and 3, II Floor, Soham Mansion,
H.C. Road, Secunderabad.

.. RESPONDENTS/
DEFENDANTS 1 & 2

3. P. Sudershan, S/o. P. Pentaiah, Age: 44 Yrs.,
Occ: Business, R/o. 1-4-485, Musharabad, Hyd.

.. Proposed party
RESPONDENT/
DEFENDANT NO. 3

CLAIM: Petition U/O.1 rule 10 to implead
the proposed party as defendant No. 3
in the main suit.

Petition presented on 3.10.97, petition numbered n 27.11.97.

This petition coming on this day before me for final
disposal in the presence of Sri V. Narendra Nakh, Advocate for
petitioner/plaintiff and of Sri Bal Gopal, Advocate for respondents/
defendants 1 and 2 and of Sri E.V.S. Murthy, Advocate for respondent
No. 3 as proposed defendant No. 3 the Court doth order and decree
as follows:

1. That the petition of the petitioner be and the same is hereby
dismissed with costs.

Given under my hand and seal of the Court on this the
2nd day of September, 1998.

Prl. Junior Civil Judge,
Hyd. West & South.

MEMO OF COSTS

FOR DEFENDANTS

Stamp on Plaintiff	Rs. 1/-	-
Stamp on Vakalat	-	-
Stamp on process	20/-	-
Advocate fee F.C. and H.C.	not filed by both parties.	

Total: 21/-

READ BY: [Signature]
COMPARED BY: [Signature]
Certified to be a true copy

Prl. Junior Civil Judge,
Hyd. West & South.

IN THE COURT OF THE PRL. JUNIOR CIVIL JUDGE, HYD. WEST & SOUTH, R.R. DIST.
AT SAROORNAGAR, HYDERABAD.

PRESENT: KUM. Y. SUJANA KUMARI, B. SC., B. L.,
Prl. Junior Civil Judge,
Hyd. West & South, R.R. Dist.

Dated this the 2nd day of September, 1998.

I.A. 1853/97
in
O.S. 242/93

BETWEEN:

M. Muralidhar Rao, S/o. late M.V. Narsaiah,
Age: 41 Yrs., Occ: Business, R/o. 6-1-126,
Padmarao Nagar, Secunderabad.

.. Petitioner/
Plaintiff

and

1. Gurudev Siddapeet Rep. by its Executive
Trustee Mr. Satish Modi, S/o. Manilal Modi,
Age: 54 Yrs., R/o. Saritha Apartments, Road
No. 4, Banjara Hills, Hyderabad.

2. Satish Modi, S/o. Manilal Modi, Age:
54 Yrs., Occ: Executive Trustee of Gurudev
Siddapeet, R/o. 5-4-187/3 and 4, 2nd floor,
Sohan Mansion, M.G. Road, Secunderabad,

.. Respondents/
Defendants 1&2

3. P. Sudershan, S/o. P. Pentaiah, Age: 44
Yrs., Occ: Business, R/o. 1-4-485, Musheerabad,
Hyderabad.

.. Proposed party Respon-
dent/Defendant No. 3.

This petition is coming on 28.8.98 before me for
final disposal in the presence of Sri V. Narendar Nath, Advocate
for petitioner/plaintiff and of Sri C. Balgopal Advocate for
Respondents/defendants 1 and 2 and of Sri E.V.S. Murthy, Advocate
for respondent No. 3 as proposed defendant No. 3 and the matter having
stood over for consideration till this day: this Court delivered the
following:

O R D E R

This petition is filed by the plaintiff in the suit R/o
1 rule 10 CPC to impleaded third respondent as third defendant in the
suit. This suit is filed for perpetual injunction restraining the
respondents from interfering with the petitioners possession of the
suit schedule property ^{measuring} 532 Sq. yards in Plot No. 8411 in Sy. No. 37
of B. Gumpet stating that the respondents/defendants 1 and 2 attempted
to dispossess the petitioner on 12.10.93. In this petition the
petitioner contends that the third respondent who executed sale
deed in favour of the petitioner's vendor as GPA holder of Varikoppula
Ramaiah, entered into an agreement Dt: 7.3.96 with respondents 1 and 2
and delivered all the plots in Sy. No. 37 including the suit schedule
plot by accepting Rs. 35 lakhs, without any manner of right and so

12098/98

:2:

It is just and necessary to impleaded the third respondent as defendant No.3 in the suit. The contention of the proposed defendant/third respondent is that he is the GPA holder of Varikoppula Ramaiah as contended by the petitioner, that he did not execute any sale deed as GPA holder of Varikoppula Ramaiah in 1986 as Ramaiah died in the year 1983 itself, that he did not execute any sale deed in favour of the petitioner's vendor as GPA holder of Ramaiah, that the agreement Dt:7.3.96 was entered into between this respondent and respondents 1 and 2 for settlement of long standing disputes and he never delivered anybody's land to the respondents 1 and 2, that he has nothing to do with the suit and so he is not a necessary party.

The respondents 1 and 2 also contended that respondent No.3 is not a necessary party to the suit as there is no cause of action against him. The petitioner did not file the agreement said to have been entered into between respondents 1 and 2 and the third respondent in support of his contention that the suit schedule property was delivered under it to respondents 1 and 2 pending the suit. There is nothing to show the ^{same} action of the third respondent with the suit schedule property. There is no cause of action against third respondent. This suit is only for simple injunction and is not comprehensive suit regarding the rights in the suit schedule property. When there is no cause of action against third respondent and when the interest of the respondent No.3 in the suit schedule property is not shown, I feel that impleading third respondent as defendant in the suit is not necessary and proper for adjudication of the issue in the suit.

Hence this petition is dismissed with costs.

Dictated to the stenographer as described by her, corrected and pronounced by me in the Court of this the 2nd day of September, 1998.



[Signature]
 P. Junior Civil Judge,
 Hyd. West & South.

COURT
G.A. No. 12098/98
Applicant 2.9.98
Charges 21.9.98
Charges Deposited (Rs) 22.9.98
Receipt No. 10,100/98 Rs. 12/-
Copys 22.9.98
Copys 6102
[Signature]

READ BY: *[Signature]*
RECORDED BY:
 Made on the Xerox True Copy
[Signature]