

DECRETAL ORDER

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, 19 8.

I.A. 1659/97
in
O.S. 247/93

BETWEEN:

Inuganti Sailaja, w/o. Sri I. Vijaya Kumar,
Age: 40 Yrs., R/o. H.No. 1-9-49/2/1, Ramnagar,
Hyderabad.

.. PETITIONER/
PLAINTIFF

AND

1. M/s Gurudev Siddappet, Rep. by its Executive
Trustee Satish Modi, S/o. late Manilal Modi,
Age: 54 Yrs., presently situated at C/o. Sourab
Trading Corporation 5-4-187/3 and 4, 2nd
Floor, Soham Mansion, M.G. road, Sec.

2. Satish Modi, S/o. Manilal Modi, R/o. C/o.
Mod Business, Ranigunj, Sec.

.. RESPONDENTS/
DEFENDANTS

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

.. proposed party
RESPONDENT/
DEFENDANT NO. 3

CLAIM: Petition u/o. 1 rule 10 R/W 151 CPC
to implead the proposed party as
third defendant in the main suit.

Petition presented on 3.10.97, petitioner numbered on 15.12.97.

This petition coming on this day before me for final disposal
in the presence of Sri V. Narendernath, Advocate for Petitioner/plaintiff
and of Sri C. Bal Gopal, Advocate for Respondents/Defendant 1 and 2
and of Sri D.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.



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

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

MEMO OF COSTS

FOR RESPONDENTS:

- | | | |
|----------------------|--|---|
| FOR PETITIONER: | | |
| 1. Stamp on petition | Rs. 1/- | - |
| 2. Stamp on Vakalat | - | - |
| 3. Stamp on process | 20/- | - |
| 4. Advocate fee | F.C. and H.C. not filed by both sides. | - |

AS AD BY: OK
Total: 21/-
COMPARED WITH
Certified True Copy

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

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Occ: Business, R/o. 1-4-485, Musheerabad, Hyd.

.. Proposed party
RESPONDENT/
DEFENDANT NO. 3

This petition coming on 28.8.98 before me for
final disposal in the presence of Sri V. Narendra Nath, Advocate
for petitioner/plaintiff and of Sri C. Balgopal Advocate for
respondents/defendants 1 and 2 and of Sri D.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

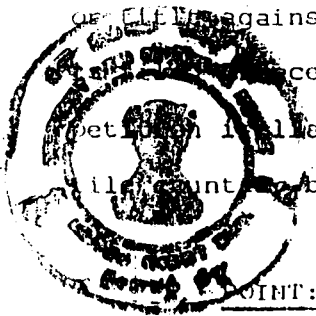
This petition is filed U/O 1 rule 10 R/W
Section 151 CPC by the plaintiff in the suit praying to impleaded
3rd respondent as third defendant in the suit contending as
follows:

This suit is filed by the plaintiff for perpetual
injunction against the respondents/defendants 1 and 2 regarding
the suit schedule property bearing plot No. 16 in Sy. No. 37 of
Begurpet which she purchased from one Sri Bhagwan Raj through
GPA P. Sudershan who is proposed party herein under registered
sale deed Dt: 29.7.86. When respondents/defendants 1 and 2 attempted
to interfere to interfere with her possession with the property
she filed the suit obtained interim injunction. The petitioner .

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purchased the suit property through respondent No.3 who acted as GPA to Varikoppula Ramaiah and his family members who are the protected tenants of 1 acre 35 guntas. The petitioner came to know that the respondent No.3 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 property having accepted a sum of Rs.35 lakhs. The petitioner could get xerox copy of the said agreement wherein it is clearly ~~resisted~~ ^{stated} that respondent No.3 accepted the above said sum and delivered all the plots including the suit property to respondents 1 and 2 without her knowledge, consent and permission. As the respondent No.3 entered into above said agreement being GPA holder of her vendor who is the family member of Varikoppula Ramaiah the protected tenant of Sy.No.37 with respondents 1 and 2 who have no manner of right, title and interest is a necessary and proper party to the suit. If the respondent No.3 is not allowed to ^{be} implead in the suit the petitioner will suffer loss.

The proposed defendant i.e. respondent No.3 filed counter contending that he has nothing to do with the property of the petitioner that he is not the GPA Holder of Bagwan Raj the alleged vendor of the plaintiff, that he is the GPA Holder of Varikoppula Marsamma and her sons Lakshman and Yadagiri. The agreement Dt:7.3.96 is only an agreement between respondents 1 and 2 and respondent No.3 to avoid necessary litigation by compromise with certain terms and conditions and there is no mentioned about the delivery of the land belonging to the petitioner and this respondent never delivered the land belonging to others, that this respondent has no interest or claim against the property of the petitioner. This petition is filed by the petitioner carelessly without knowing the true facts and so the petition is liable to be dismissed. Respondents 1 and 2 did not file counter but objected the petition at the time of arguments.

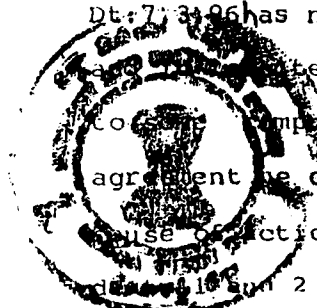


JOINT: This suit is filed by the petitioner for permanent injunction restraining the respondents/defendants 1 and 2 from

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Varikoppula Ramaiah

interfering with her possession of the suit schedule property i.e. plot No.16 in Sy.No.37 of Begumpet stating that on 21.10.93 at about 12 noon the defendants with the help of unsocial elementstresspass into the property with an intention to dispossess the petitioner from the suit schedule property. The suit is at the stage of trial. The petitioner's contention in the suit is that she purchased the suit schedule property from one Baghwan Raj under registered sale deed Dt:29.7.86, whereas in the petition she contended that she purchased the property from Baghwan Raj through his GPA the third respondent herein under the sale deed Dt:20.7.86. The respondent No.3 denied executing sale deed in favour of the petitioner regarding the suit property. The sale deed filed along with the suit by the petitioner shows that it was executed by Baghwan Raj only but not the third respondent as his GPA holder. The contention of the petitioner is that she came to know that the third respondent who is proposed defendant, entered into an agreement of sale with respondents 1 and 2 and delivered possession of the suit schedule property without her knowledge and without any manner of rights and so the third respondent is a necessary party to the suit. The photostat copy of the agreement is filed into court does not show the delivery of possession of the property in S.No.37 by the proposed defendant to respondents 1 and 2. It shows that the 3rd respondent admitted the rights and possession of 1st respondent in lacre 35 guntas in S.No.37 and 38 part and that he agreed to withdraw all his claims in that property. It is also mentioned therein that he would satisfy the claim of the plaintiff in this suit. The third respondent contends that agreement Dt:7.3.86 has nothing to do with the property of the petitioner and was entered into between him and respondents 1 and 2 relating to compromise and to avoid some litigation, by virtue of that agreement he cannot be made as a party to the suit in which no cause of action arose against him. It is also contended by respondent 1 and 2 that if at all there is any agreement entered into between them and the third respondent it has nothing to do with



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the petitioners property and basing on that allegation the third respondent cannot be made as a party to the suit, that this petition is filed only to drag on the proceedings, as contended by the respondents. The cause of action shown in the plaint is in the year 1993 against respondents 1 and 2 only. The suit is for injunction restraining the respondents 1 and 2 from interfering with the possession of the petitioner over the suit schedule property. There is no allegation about the third respondents attempt to interfere with the possession of the petitioners. When there is no cause of action against the third respondent and when interest of the third respondent in the suit schedule property is not shown, I feel that, it is not necessary to implead their respondent as a defendant in the suit, which is filed for simple injunction. If the petitioner has any claim against 3rd respondent by virtue of the agreement he has to proceed against him separately. It appears that this petition is filed only to complicate the matter as argued by the respondents and to delay the proceedings.

I see not merits in the petition. Hence it is dismissed with costs.

Dictated to the Steno-Typist, transcribed by her, corrected and pronounced by me in the open Court on this the _____ day of September, 1998.



Y. Sripada Kumar
29.9.98.
Prl. Junior Civil Judge,
Hyd. West & South.

COURT OF THE DISTRICT JUDGE
SESSIONS JUDGE
District.

C.A. No. 12097/98
Application filed on 21.9.98
Charge sheet filed on 21.9.98
Case posted on 22.9.98
Amount 10,100/98
Case closed on 22.9.98

Control Centre, Hyderabad
Range Road, Hyderabad

READ BY: DK
COMPALED BY: [Signature]
Certified to be Xerox True Copy
[Signature]
29.9.98