

DECREEAL ORDER

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

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

Dated this the 2nd day of September, 1998.

I.A.1336/97
in
O.S.248/93

BETWEEN:

Inuganti Mohan Kumar, S/o.late Dr.Inuganti
Venugopal, Age:27 Yrs., Occ:Govt.Servant,
R/o.1-9-49/2/1, Ramnagar, Hyd.

.. PETITIONER/
PLAINTIFF

AND

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

2. Satish Modi, W/o.Manilal Modi, Age:54 Yrs.,
Occ:Executive Trustee of Gurudev Siddapeet,
R/o.5-4-187/3 and 4, 2nd Floor, Soham Mansion,
H.C.Rao, Secunderabad.

.. RESPONDENTS/
DEFENDANTS 1 and 2

3. P.Sudershan, S/o.P.Pentalah, 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 to implead the proposed
party as defendant No.3 in the main suit.

Petition presented on 3.10.97, petition numbered on 13.10.97.

This petition coming on this day before me for final disposal
in the presence of Sri V.Naraindarnath, Advocate for petitioner/plaintiff;
and of Sri C.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.

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

HELD OF COSTS

FOR PETITIONER:

Stamp on petition Rs.1/-
Stamp on vakalat -
Stamp on process 20/-
Advocate fee H.C. & H.C. not filed by both sides.

FOR RESPONDENTS:

Total:	21/-
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Total:	-
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[Handwritten signature]

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

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

PRESENT: KUH. 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. 1336/97
in
O.S. 248/93

A.A. 12099/98
21.9.98
22.9.98
10/11/98
22.9.98
C.Y.O.
District

BETWEEN:
Inuganti Mohan Kumar, S/o. late Dr. Inuganti
Venugopal, Age: 27 Yrs., Occ: Retd. Govt. Servant,
R/o. 1-9-49/2/1, Ramnagar, Hyd.

.. PETITIONER/
plaintiff

and

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

.. RESPONDENTS/
DEFENDANTS 1 & 2

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, Soham Mansion, M.G. Road,
Secunderabad.

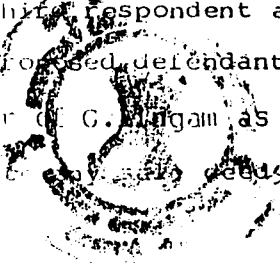
3. P. Sudershan, S/o. P. Pentalah, Age: 44 Yrs.,
Occ: Business, R/o. 1-4-485, Musheerabad, Hyd.

.. Proposed party
RESPONDENT/
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 Petition-
er/plaintiff and of Sri C. Balgopal, Advocate for Respondents/Defenda-
nts 1 and 2 and of Sri E.V.S. Murthy, Advocate for respondent No. 3
as proposed defendant No. 3 and the having stood over for considera-
tion till this day: this Court delivered the following:

ORDER

This petition is filed by the plaintiff in the suit U/O.10
CPC to implead third respondent as third defendant in the suit. This
suit is filed for perpetual injunction restraining the respondents
1 and 2 from interfering with the petitioner's possession of the suit
schedule property measuring 300 Sq. yards, in plot NO. 17 in Sy. No. 37
of Begumpet stating that the respondent/defendant 1 and 2 attempted to
dispossess the petitioner on 21.10.94. In this petition the petitioner
contends that the third respondent who executed sale deeds in favour of
the petitioner's vendor as GPA holder of G. Lingam entered into an
agreement Dt: 7.3.96 with respondent No. 1 and 2 and delivered all the
plots in Sy. No. 37 including the suit schedule by accepting Rs. 35 lakhs
without any manner of right and so it is just and necessary to implead
the third respondent as defendant No. 3 in the suit. The contention of
the proposed defendant/third respondent is that he is not the GPA
holder of G. Lingam as contended by the petitioner, that he did not
execute any sale deeds as GPA holder of G. Lingam in 1986 as Ramalah died



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In the year 1983 itself, in favour of the petitioner's vendor 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 filed photostat copy of the agreement into Court does not show the delivery of possession of the property in Sy.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 1 acre 35 guntas in Sy.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 the suit. The cause of action shown in the plaint is in the year 1993 against respondents 1 and 2 only. This 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 respondent's 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 third 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 2nd day of September, 1998.

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[Signature]

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Prl. Junior Civil Judge,
Hyd. West & South.
1998