

APHC010173212026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

TUESDAY, THE 14th DAY OF JULY 2026

PRESENT:THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 1235/2026

Between:

- 1.TANGI CHANDRA SEKHAR RAO, S/O LATE SATYANARAYANA
AGED ABOUT 67 YEARS, R/O KILLIPALEM VILLAGE, SRIKAKULAM
MANDAL, PRESENTLY RESIDING AT MADHURA NAGAR,
SRIKAKULAM TOWN AND DISTRICT.
- 2.THANGI JANARDHANA RAO, S/O LATE RAMA LAKSHMAN RAO,
AGED ABOUT 65 YEARS, R/O, KILLIPALEM VILLAGE, SRIKAKULAM
MANDAL AND DISTRICT
- 3.THANGI ESWAR RAO, S/O SHIVANARAYANA, AGED ABOUT 50
YEARS, OCC CULTIVATION R/O KILLIPALEM VILLAGE,
SRIKAKULAM MANDAL AND DISTRICT
- 4.REDDY RAMANA MURTHY, S/O LATE SAYNASI, AGED ABOUT 55
YEARS, OCC EX- SARPANCH R/O KILLIPALEM VILLAGE,
SRIKAKULAM MANDAL AND DISTRICT
- 5.ETCHERLA KRISHNARAO,, S/O LATE APPALASURI, AGED ABOUT
55 YEARS, OCC CULTIVATION, R/O KILLIPALEM VILLAGE,
SRIKAKULAM MANDAL AND DISTRICT.
- 6.REDDY JYOTHI RAO, @ RAJABABU,, S/O APPALASWAMY, AGED
ABOUT 45 YEARS, OCC CULTIVATION, R/O KILLIPALEM VILLAGE,
SRIKAKULAM MANDAL AND DISTRICT
- 7.REDDY KRISHNA RAO @ RAJABABU, S/O APPALASWAMY, AGED
ABOUT 45 YEARS, OCC CULTIVATION, R/O KILLIPALEM VILLAGE,
SRIKAKULAM MANDAL AND DISTRICT.

8. REDDY RAVANA MURTHY,, S/O LATE MUSALAYYA, AGED ABOUT 62 YEARS, OCC CULTIVATION, R/O KILLIPALEM VILTAGE, SRIKAKULAM MANDAL AND DISTRICT

...PETITIONER(S)

AND

1. MUTCHA SRINIVASA RAO, S/O THATAYYA, AGED ABOUT 45 YEARS, R/O D.NO 14-12-291, SHIVAMMA COLONY, DANDI VEEDHI, CB ROAD, SRIKAKULAM TOWN AND MANDAL, SRIKAKULAM DISTRICT - 532001.

2. MUTCHA RAMANA MURTHY, S/O LATE MANDALI, AGED ABOUT 56 YEARS, R/O KILLIPALEM VILLAGE, SRIKAKULAM MANDAL AND DISTRICT - 532001.

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the Order dated 13.2.2026 passed in I.A. No. 184 of 2025 IN O.S 67 of 2025 on the file of Court of III Additional Civil Judge (Junior Division) cum Spl. Judicial Magistrate of First CLass, Proh AND Excise, Srikakulam, in the interests of justice AND PASS

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in O.S. No. 67 of 2025 on file of Hon'ble Court of III Additional Civil Judge (Junior Division) cum Spl. Judicial Magistrate of First Class, Proh AND Excise, Srikakulam, pending disposal of the Civil Revision Petition and to pass

Counsel for the Petitioner(S):

1. M VIDYAVATHI

Counsel for the Respondent(S):

1. SRINIVAS AMBATI

ORDER

This Civil Revision Petition is filed assailing the legality and correctness of the orders dated 13.02.2026 passed in I.A.No.184 of 2025 in O.S.No.67 of 2025 by the learned III Additional Civil Judge (Junior Division), Srikakulam, whereby and whereunder the petition filed by the revision petitioners under Order-1, Rule-10 of CPC for their impleadment in the suit as defendant nos. 2 to 9 was dismissed.

2. The facts that led to filing of the Civil Revision Petition, in brief, are as follows:

The respondent no.1 filed suit for permanent injunction restraining respondent no.2 from ever entering into or interfering with the peaceful possession and enjoyment of the plaint schedule property. In the said suit the petitioners filed petition under Order-1, Rule-10 CPC to implead them as defendant nos. 2 to 9 in the suit contending that the schedule property is a private water tank as per SLR and FMB records, which is the only source of irrigation for the village and irrigates nearly 58 acres of wet land, and the said tank was given to the ancestors of the petitioners and ever since they have been in possession and enjoyment of the same and that respondent no.1 was never in possession and the suit is a collusive one in between the

respondents, who are agnates and hence the petitioners are necessary and proper parties. The respondent no.1 filed counter contending that he purchased the property under registered sale deed dated 03.03.2024 for valid consideration and his name was mutated in all the revenue records and the suit being for injunction simplicitor, the complicated questions regarding title or classification of the property cannot be adjudicated in the suit and if at all the petitioners claim independent right, they must file a separate suit and they cannot come on record in this suit and hence the petition is liable to be dismissed. Upon considering the pleadings and submissions made by learned counsel for the parties, the learned trial Judge dismissed the petition. Aggrieved thereby, the petitioners filed this Civil Revision Petition.

3. Heard *Ms. M.Vidyavathi*, learned counsel for the petitioners, and *Sri Srinivas Ambati*, learned counsel for respondent no.1.

4. Ms.M.Vidyavathi, learned counsel for petitioners, while reiterating the contents of the affidavit filed in support of the petition and the grounds of the Civil Revision Petition contended that dismissal order violates the very object of Order-1, Rule-10 CPC which empowers the court to add, strike out, or substitute parties at any stage of the suit and since the petitioners are in possession and enjoyment of the schedule property, a private water tank,

they are necessary and proper parties to the suit and their presence would result in effective disposal of the suit, however, the learned trial Judge upon misconception of the facts and circumstances of the case erroneously dismissed the petition and the said dismissal order has to be set aside. Accordingly, prayed to allow the Civil Revision Petition.

5. Sri Srinivas Ambati, learned counsel for respondent no.1, while reiterating the contents of the counter filed before the trial Court, would contend that respondent no.1 purchased the plaint schedule property under registered sale deed and his name was mutated in all the relevant revenue records and as respondent no.2 tried to interfere he filed the suit for permanent injunction and the petitioners, who are strangers to the schedule property, if at all want to claim any independent title, they have to file separate suit and cannot seek their impleadment as defendants in the suit filed by respondent no.1 that too for injunction simplicitor, since their inclusion would unnecessarily enlarge the scope of the suit requiring adjudication of questions relating to title, nature and classification of the property. He would further contend that the learned trial Judge upon analyzation of facts and circumstances of the case, had rightly dismissed the

petition and the said impeccable order does not require any interference of this Court. Accordingly, prayed to dismiss the Civil Revision Petition.

6. Perused the material available on record and considered the submissions made by learned counsel for the parties.

7. Alleging interference of respondent no.2 with his possession and enjoyment of the plaint schedule property, respondent no.1 filed the suit for permanent injunction. As per respondent no.1, he purchased the plaint schedule property and his name was mutated in all the revenue records. The petitioners sought to come on record as defendant nos. 2 to 9 contending that the plaint schedule property, a private water tank and only source of irrigating their lands, was given to their ancestors about hundred years ago and the respondent no.1 was never in possession and enjoyment of the same and hence they are the proper and necessary parties for effective adjudication of the suit.

8. As rightly held by the learned trial Judge the controversy of the suit is confined to alleged possession of respondent no.1 and alleged interference with it by respondent no.2 and inclusion of the petitioners as defendants

would definitely enlarges the scope of the suit to unwanted proportions, which is impermissible under law at the instance of third parties to the suit.

9. Further, an injunction decree operates *in personam* i.e. to say that it operates only against the individual against whom the suit is filed, rather than *in rem* - against the property or world. It is a personal remedy that commands a specific person to act or desist from acting. Therefore, the order binds only the named parties to the suit and their direct representatives, not strangers or third parties. Hence, the injunction decree if passed would not bind the petitioners except respondent no.2 and no harm whatsoever cause to the petitioners even if it is assumed for a moment that the suit is a collusive suit engineered by both the respondents 1 and 2. The claim made by the petitioners is distinct, independent and separate. If they feel that respondent no.1 is interfering with the private water tank that is in their possession, they can initiate appropriate proceedings for redressal of their grievance and their absence in the present suit would not render it ineffective for being adjudicated effectively.

10. Moreover, it is fairly settled that the plaintiff is the *dominus litis* and has the legal prerogative to choose exactly whom they want to litigate against and he cannot be compelled to add defendants or litigate against a

party from whom he is not claiming any relief and this principle applies strongly in injunction suits, because an injunction is a personal right/remedy aimed at stopping specific infringing or tortious conduct, it is the plaintiff's choice to define who is causing him harm and who must be restrained.

11. The learned trial Judge analysed the facts in right perspective and had rightly dismissed the petition through the impugned orders and the same does not require any interference of this Court.

12. Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

14th July, 2026

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