



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

[3331]

FRIDAY, THE 31st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 1426/2024

Between:

1. SHAIK GHOUSE MOHIDDIN, S/O. MAHABOOB SAHEB, AGED 62 YEARS, OCC BUSINESS, R/O. D. NO. 65/16, NAYAB SAHEB STREET, RAYACHOTY, ANNAMAYYA DISTRICT, ERSTWHILE YSR DISTRICT.
2. NASYAM MOHAMMED KALEEM,, S/O. ABDUL AZEES, AGED 49 YEARS, OCC BUSINESS, R/O. D. NO. 58/39-A, BHATTU STREET, RAYACHOTY TOWN AND MANDAL, ANNAMAYYA DISTRICT, ERSTWHILE YSR KADAPA DISTRICT.
3. TANDRA RAM PRASAD, , S/O. C. VENKATA RAMANA, AGED 38 YEARS, OCC BUSINESS, R/O. D. NO. 38/105-5, TIRUPATI NAIDU COLONY, RAYACHOTY TOWN AND MANDAL, ANNAMAYYA DISTRICT, ERSTWHILE YSR DISTRICT

...PETITIONER(S)

AND

1. MALEPATI VENKATESWARLU NAIDU, S/O. LATE M. RAMAIAH NAIDU, AGED 57 YEARS, R/O. D. NO. 45/31, SAYANNAGARIPALLE, T. SUNDUPALLI VILLAGE AND MANDAL, KADAPA DISTRICT.
2. MALEPATI RAMAKRISHNA NAIDU, S/O. LATE M. RAMAIAH NAIDU, AGED 46 YEARS, R/O. D. NO. 45/31, SAYANNAGARIPALLE, T. SUNDUPALLI VILLAGE AND MANDAL, KADAPA DISTRICT.
3. M SIDDIAH NAIDU, , S/O. LATE M. SREENIVASULU NAIDU, AGED 60 YEARS, OCC BUSINESS, R/O. D. NO. 45/31, SAYANNAGARIPALLE, T. SUNDUPALLI VILLAGE AND MANDAL,

KADAPA DISTRICT.

- 4.MAMIDI DURGA PRASAD, , S/O. SUBBA REDDY, AGED 58 YEARS, OCC BUSINESS, RESIDING OPP DODIA DAIRY, KONDLAPUDI, NELLORE RURAL MANDAL, SPSR NELLORE DISTRICT.
- 5.PERAVALLI PADMAJA, W/O. LATE P.V. PRASAD CHOWDARY, HOUSEWIFE, R/O. D. NO. 1-497, AMMINENI STREET, MADANAPALLI, ANNAMAYYA DISTRICT, ERSTWHILE CHITTOOR DISTRICT.
- 6.MALEPATI RAVI KUMAR CHOWDARY, S/O. LATE RAMAIAH NAIDU, AGED 56 YEARS, R/O. D. NO. 18-1-497/A3, BHAVANI NAGAR, TIRUPATHI TOWN AND MANDAL, TIRUPATHI DISTRICT, ERSTWHILE CHITTOOR DISTRICT.
- 7.BODDU SRIVANI, W/O. BHASKAR NAIDU, AGED 54 YEARS. HOUSEWIFE, R/O. D. NO. 18/165, KADIYALAPALLI, RAJAMPET MANDAL, ANNAMAYYA DISTRICT, ERSTWHILE YSR DISTRICT.
- 8.MALEPATI YOGENDRA KUMAR CHOWDARY, S/O. LATE RAMAIAH NAIDU, AGED 49 YEARS, OCC BUSINESS, R/O. D. NO. 1-4-121/3D, NEAR TVS SHOWROOM, GEETHA NAGAR, TIRUPATHI TOWN AND MANDAL, TIRUPATHI DISTRICT, ERSTWHILE CHITTOOR DISTRICT.

...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 being aggrieved by the Order Dt.24.01.2024 passed in IA.No.585 of 2022 in O.S.No.6 of 2022 on the file of the Court of Learned V Addl. District Judge, Rayachoty,

IA NO: 1 OF 2024

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 condone the delay of 62 days in representing the revision in CRP.Sr.No.1426 of 2024 and to pass

IA NO: 2 OF 2024

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

grant stay of all further proceedings in O.S No.6 of 2022 on the file of the Court of Learned V Addl. District Judge, Rayachoty, pending disposal of the main CRP and to pass

IA NO: 3 OF 2024

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 vacate the interim Stay order dated 16.07.2024 granted in I.A.No.2 of 2024 in CRP. No.1426 of 2024 and pass

Counsel for the Petitioner(S):

1.NIMMAGADDA REVATHI

Counsel for the Respondent(S):

1.S VARADARAJULU CHETTY

2.PALEM LAKSHMI PRIYA

The Court made the following order:

Heard Sri Rishindra Sai, learned counsel representing Smt. Nimmagadda Revathi, learned counsel for the revision petitioners, Sri S.Varadarajulu Chetty, learned counsel for the respondents 1 to 3 and Ms. Palem Lakshmi Priya, learned counsel for the respondents 5 to 8.

2. The plaintiffs in the suit filed the above revision against the order dated 24.01.2024 in I.A.No.585 of 2022 in O.S.No.6 of 2022 on the file of the V Additional District Judge, Rayachoty.

3. The plaintiffs filed suit O.S.No.6 of 2022 against the defendants i.e., respondents 4 to 8 herein, seeking specific performance of an agreement of sale. Pending the suit, respondents 1 to 3 herein filed I.A.No.585 of 2022 under Order I Rule 10 CPC seeking to implead themselves as defendants in the suit. In the affidavit filed in support of the petition, it was contended that they have an undivided share in the suit schedule property. It was further contended that they had also filed applications to implead them as party

defendants in the other suits filed for injunction. The plaintiffs in the suit filed a counter opposing the application.

4. The trial Court, by an order dated 24.01.2024, allowed the application, holding that the proposed parties were necessary to avoid multiplicity of proceedings.

5. In fact, in **Mumbai International Airport Private Limited vs. Regency Convention Centra & Hotels & Orthers**¹, the Hon'ble Apex Court at paragraph 12.4, observed as follows:

“12.4. If an application is made by a plaintiff for impleading someone as a proper party, subject to limitation, bonfides etc., the court will normally implead him, if he is found to be a proper party. On the other hand, if a non-party makes an application seeking impleadment as a proper party and court finds him to be a proper party, the court may direct his addition as a defendant; but if the court finds that his addition will alter the nature of the suit or introduce a new cause of action, it may dismiss the application even if he is found to be a proper party, if it does not want to widen the scope of the specific performance suit; or the court may direct such applicant to be impleaded as a proper party, either unconditionally or subject to terms. For example, if `D' claiming to be a co-owner of a suit property, enters into an agreement for sale of his share in favour of `P' representing that he is the co-owner with half share, and `P' files a suit for specific performance of the said agreement of sale in respect of the undivided half share, the court may permit the other co-owner who contends that `D' has only one-fourth share, to be impleaded as an additional defendant as a proper party, and may examine the issue whether the plaintiff is entitled to specific performance of the agreement in respect of half a share or only one-fourth share; alternatively the court may refuse to implead the other co-owner and leave open the question in regard to the extent of share of the vendor-defendant to be decided in an independent proceeding by the other co-owner, or the plaintiff; alternatively the court may implead him but subject to the term that the dispute, if any, between the impleaded co-owner and the original defendant in regard to the extent of the share will not be the subject matter of the suit for specific performance, and that it will decide in the suit, only the issues relating to specific performance, that is whether the defendant executed the

¹ 2010 (7) SCC 417

agreement/contract and whether such contract should be specifically enforced. In other words, the court has the discretion to either to allow or reject an application of a person claiming to be a proper party, depending upon the facts and circumstances and no person has a right to insist that he should be impleaded as a party, merely because he is a proper party.”

6. In the case at hand, the trial Court considered all these aspects and allowed the application. This Court doesn't find any illegality or irregularity in the order dated 24.01.2024 in I.A.No.585 of 2022 in O.S.No.6 of 2022 on the file of the V Additional District Judge, Rayachoty, warranting interference in the exercise of its jurisdiction under Article 227 of the Constitution of India. Hence, the revision petition is liable to be dismissed.

7. Accordingly, the civil revision petition is dismissed. The trial Court shall, however, keep in mind the principles laid down in ***Mumbai International Airport Private Limited*** case while adjudicating the claim of the proposed parties. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Dated: 31.07.2026
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THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION No.1426 of 2024

Dated: 31.07.2026
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