

**HIGH COURT OF ANDHRA PRADESH**

**MAIN CASE NO: C.R.P.No.1874 of 2022**

**08**

**PROCEEDING SHEET**

Sl. No.	Date	ORDER	OFFICE NOTE
15	04.03.2024	<p><b><u>BSB, J</u></b></p> <p style="text-align: center;"><b><u>I.A.No.2 of 2022</u></b></p> <p>This application is filed to permit the petitioner to be impleaded as party/proposed 2<sup>nd</sup> respondent in CRP.No.1874 of 2022 and also in the pending interlocutory applications therein.</p> <p>Sri Y.Chakradhar Raja, learned counsel representing the learned counsel for the petitioner is present.</p> <p>No representation for respondents No.1 to 4.</p> <p>The learned counsel for the respondent No.5/D.Hr is present.</p> <p>The petitioner is the purchaser of the property sold in auction in execution of decree in E.P.No.15 of 2016 in O.S.No.1799 of 2014 on the file of Court of VII Additional Senior Civil Judge, Vijayawada.</p> <p>The respondents No.1 to 4/J.Drs filed E.A.No.20 of 2020 under Order XXI Rules 66 and 90 and Section 151 CPC to set aside the sale held on 25.04.2019, however they have not impleaded the petitioner as a party to the petition. The petition in E.A.No.20 of 2020 was dismissed on 16.12.2021. Against the said order CMA.No.1 of 2022 on the file of V Additional District Judge, Vijayawada was preferred by the petitioners/J.Drs, the same was also dismissed</p>	

04.03.2024	<p>on 07.07.2022. Aggrieved by the order, the appellants/petitioners/J.Drs preferred the revision petition. All through, the D.Hr alone is shown as respondent without making auction purchaser/petitioner herein as a party. As such, this petition is filed to implead him as the 2<sup>nd</sup> respondent. He claims that he has paid entire sale of consideration of Rs.18,30,000 (Rupees Eighteen Lakhs Thirty Thousand Only) within time and the sale was also confirmed and that suppressing the facts before this Court, an interim order of stay was obtained and as such the petitioner is unable to take delivery of possession and rents accruing from it. Therefore, the petitioner prayed to implead him as a party.</p> <p>The fact that the petitioner is an auction purchaser is not in dispute. It is not known how and why the petitioner is not impleaded by the J.Drs as the 2<sup>nd</sup> respondent in E.A.No.20 of 2020 or in CMA.No.1 of 2022 or in the proceedings in CRP.No.1874 of 2022 before this Court.</p> <p>It is also astonishing that why the petitioner has not taken similar steps while the proceedings were pending before the execution Court or the appellate Court. It is only because of the order of stay, the petitioner approached this Court. In any event, since the petitioner is a necessary party, he should be impleaded. None of the respondents filed any counter to this petition.</p> <p>Under the circumstances, it is a case fit to allow the petition. Since there are latches on the part</p>	
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	04.03.2024	<p>of the petitioner to approach the Court, the petition can be conditionally allowed.</p> <p>In the result, the petition is allowed on the condition that the petitioner shall pay Rs.1,000/- (Rupees One Thousand only) to the High Court Legal Services Authority on or before 12.03.2024.</p> <p>Meanwhile, if the costs are paid, the Registry is directed to get the amendment carried out.</p> <p style="text-align: right;"><u>B.S.BHANUMATHI,J</u></p> <p style="text-align: center;"><b><u>C.R.P.No.1874 of 2022</u></b></p> <p style="text-align: center;">Post on 12.03.2024.</p> <p style="text-align: right;"><u>B.S.BHANUMATHI,J</u></p> <p>CC by 05.03.2024 b/o NSM</p>	
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