

SUPREME COURT OF INDIA

M. Venkata Raju

Vs.

Teegala Annapurna

C.A.No.3349 of 2008

(A.K.Mathur J.)

06.05.2008

ORDER

1. We have heard learned counsel for the parties.
2. Leave granted.
3. This appeal by special leave is directed against the judgment and order passed by the learned Single Judge of the A.P. High Court of Judicature at Hyderabad whereby the learned Single Judge has declined to interfere in a writ petition filed under Article 227 of the Constitution for quashing the order of the Trial Court whereby the Trial Court has permitted to implead the Vigneswara Swami Vari Temple as a co-plaintiff.
4. Few facts which are necessary for the convenient disposal of this appeal are that a suit was filed by M. Venkata Raju against Teegala Annapurna for the arrears of rent and in these proceedings an application was made by the defendant, Teegala Annapurna for being impleaded the Vigneswara Swami Vari Temple as a party under Order 1 Rule 10 of the CPC and the application was allowed. That order was challenged before the High Court and the High Court set aside that order and remitted back the matter to the Trial court. The Trial Court again by order dated 31st August, 2004 allowed the application of the defendant in the suit and permitted the Vigneswara Swami Vari Temple being impleaded as a co-plaintiff on the ground that the property in question belongs to the Vigneswara Swami Vari Temple. In some suits filed by the Temple against M.Venkata Raju (appellant herein) claiming that Temple is the owner of the suit properties and not M. Venkata Raju. However, the suit was dismissed but an observation was made that the Vigneswara Swami Vari Temple is the owner of the property. Be that as it may, the Vigneswara Swami Vari Temple was made co-plaintiff by the impugned order. This order was challenged by M. Venkata Raju by filing a Writ Petition under Article 227. That was confirmed by the High Court by Order dated 2nd February, 2006.
5. Aggrieved against the order passed by the learned Single Judge the present Special Leave Petition has been filed.

6. We have heard learned counsel for the parties and perused the record.

7. It is very strange that a suit has been filed by M. Venkata Raju and the order has been passed by impleading Vigneswara Swami Vari Temple as a co- plaintiff. On the face of it, it appears to us to be improper under Order 1 Rule 10 CPC. In order to do justice the parties can be impleaded for doing the complete justice but in the present case, the impleading Vigneswara Swami Vari Temple is a co-plaintiff along with M. Venkata Raju who has filed a suit for recovery of arrears of rent appears to us to be absolutely unsustainable.

8. Consequently, we set aside the order passed by the Trial Court as well as the order passed by the High Court and allow this appeal.

9. However, before parting with the case it may not be understood to mean that the application for impleading Vigneswara Swami Vari Temple as a party defendant is declined. It will be open for the Vigneswara Swami Vari Temple to make an application before the Trial Court for impleading Temple as part defendant and the Trial Court is free to pass the order in accordance with law.

10. This appeal is accordingly, allowed.

No order as to costs.