

SUPREME COURT OF INDIA

P. Vijayalakshmi Choudhary

Vs.

B. Baliah (Dead) Thr. L.Rs.

C.A.No.2150 of 2009

(B.N. Agrawal and G.S. Singhvi JJ.)

02.04.2009

ORDER

Leave granted.

1. The suit filed by respondent Nos.1 and 2 for declaration of title and absolute ownership of land admeasuring Ac.0.35 gts in Survey No.129/56 of Kanchatatti Khana, Jubilee Hills, Sheikpet village, Hyderabad and for restraining defendant Nos. 1 to 6 from interfering with their possession was decreed by the Trial Court. Defendant Nos.5 and 6 challenged the same in C.C.C.A. No. 47 of 1991.

2. During the pendency of the appeal, the appellants purchased the suit land under three separate sale deeds dated 03.10.1997 and then applied for their impleadment as appellant Nos.6 to 8 by filing an application under Order 1 Rule 10 CPC. By the impugned order, the High Court dismissed the application by observing that the land which was subject matter of the suit is not shown to have been purchased by the applicants (appellants herein).

3. We have heard learned counsel for the parties and perused the record. In our view, in the facts and circumstances of the present case, the High Court was not justified in rejecting the prayer made on behalf of the appellants.

4. Accordingly, the appeal is allowed, impugned order is set aside and the prayer for impleadment made on behalf of the appellants in the appeal pending before the High Court is granted. Let the appeal be now disposed of on merits in accordance with law.