

**THE HON'BLE SRI JUSTICE DILIP B.BHOSALE**

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**CIVIL REVISION PETITION No. 3593 of 2014**

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**P.C:**

This C.R.P. challenges the following order, dated 08.10.2014:

“Whereas the petitioner/plaintiff has proved to the satisfaction of the Court that the defendant in the above suit is making serious efforts to obstruct or delay the execution of decree that may be passed against him.

These are to command you to call upon the said respondent/defendant M/s.Tirumala Comprints Ltd., D-6/A, IDA, Uppal Hyderabad represented by its Managing Director on or before 72 hours time to enabling you to furnish security equal to the suit claim amount of Rs.59,02,937/- to produce and place at the disposal of this Court when required or the value thereof, or such portion of the value as may be sufficient to satisfy any decree that may be passed against him; or to appear and show cause why he should not furnish security; and you are further ordered to attach the bank accounts of respondent/defendant including A/c.No.052113046601188 with Andhra Bank, Saidabad Branch at 17-9-73, N.S. Road, Kurmaguda, Saidabad, Hyderabad and keep the same under safe and secure custody until further order of the Court, and you are further commanded to return this warrant on or before 7<sup>th</sup> day of November, 2014 with an endorsement certifying the date on which and the manner in which it has been executed; or the reason why it has not been executed.”

After the order/warrant was issued, it appears that the petitioner filed a memo, dated 19.02.2015, offering security. According to learned counsel for the respondent, they filed counter-affidavit, dated 15.10.2014, raising objections to the security offered by the petitioner.

Learned counsel for the petitioner placed before this Court, the docket order, dated 26.02.2015, by which, according to him, the Court accepted the security. I have perused the docket order. Though the docket order makes reference to the property that was offered by way of security, it does not make

any reference to the objections raised by the respondent, filing counter-affidavit, dated 15.10.2014.

Learned counsel for the respondent submits that the docket order, dated 26.02.2015, was passed without hearing the respondent and/or taking their objections into consideration. That being so, I do not find any reason to keep this C.R.P. pending any further and I am satisfied that the following order shall meet the ends of justice:

“If the Court below has passed the docket order, dated 26.02.2015, without taking into consideration the objections raised by the respondent, dated 15.10.2014, the learned Judge may pass a fresh order on the memo, dated 19.02.2015, within four weeks from today. If the security furnished or additional security to be furnished is accepted, the warrant of attachment shall render ineffective. It is made clear that if the learned Judge finds that the objections were taken into consideration and the docket order was passed after hearing both the sides, he may pass order, recording the same, within a period of four weeks from today.”

With these observations, the C.R.P. is disposed of. All contentions of the parties on merits are kept open.

Consequently, miscellaneous petitions, if any, also stand disposed of.

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**DILIP B.BHOSALE,J**

Dt:27.03.2015

kdl

