

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
FRIDAY, THE SIXTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No.1969 of 2012

BETWEEN

K. Radha Krishna.

... PETITIONER

AND

T. Jayarami Reddy.

.

...RESPONDENT

Counsel for the Petitioner: MR. M.S.R. SUBRAHMANYAM

Counsel for the Respondents: MR. MEKALA RAMA MURTHY

The Court made the following:

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ORDER:

Petitioner herein is the defendant in O.S.No.305 of 2011 on the file of the I Additional District Judge, Ongole. The said suit was filed seeking refund of sale consideration and pending the suit, the plaintiff/first respondent herein filed I.A.No.25 of 2012 seeking attachment

before judgment. By order of the Court below dated 28.03.2012, the order of attachment before judgment was passed ordering attachment of 4/10th share in the plaint schedule property subject to the petitioner/defendant therein furnishing third party security for Rs.65,00,000/- within 24 hours. Aggrieved by the said order, the petitioner had moved the present revision.

2. By order dated 24.04.2012, while issuing notice before admission, this Court granted interim suspension and by virtue of the said order, the order of attachment stood suspended.

3. Respondent has since appeared, I have heard the matter today.

4. It is evident from the above that the order of attachment before judgment was made by the Court below and the same was suspended by order of this Court and evidently, for the last three years, there is no attachment subsisting. Hence, at this stage, I do not think it appropriate to revive the said attachment order even assuming that the revision petition is dismissed on merits.

5. It is stated by the learned counsel for the respondent/plaintiff that the petitioner/defendant has already sold part of the plaint schedule property pending this revision petition. Hence, at this distance of time, since the suit is of 2011, I deem it appropriate to direct disposal of the suit expeditiously and the order of attachment, which was suspended by this Court, will continue to remain in operation pending disposal of the suit.

The civil revision petition is allowed. However, there shall be a direction to the learned I Additional District Judge, Ongole to dispose of the suit, as expeditiously as possible, preferably, before end of June 2015. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

March 6, 2015
DSK

VILAS V. AFZULPURKAR, J