

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

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**C.R.P NO.4501 OF 2015 /CRP(sr). No.26502 of 2015**

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**ORDER:**

Heard Sri V. Ravinder Rao, Learned Counsel for the petitioners and Sri K. Sudershan, Learned Counsel for the respondent-caveator and, with their consent, this Civil Revision Petition is being disposed of at the stage of admission. This C.R.P. is preferred, under Article 227 of the Constitution of India, against the order passed by the X Additional District & Sessions Judge, Visakhapatnam at Anakapalle in I.A. No.1515 of 2015 in O.S. No.68 of 2015 whereby orders were passed for issuance of attachment of warrant to effect attachment of the petition schedule property.

The respondent herein invoked the jurisdiction of the IV Additional District Judge, Visakhapatnam who, by order in I.A. No.364 of 2015 in O.S. No.225 of 2015 dated 13.04.2015, directed the petitioner herein to furnish security for a sum of Rs.1,04,41,788/- within 72 hours failing which there would be an order of conditional attachment. This I.A, on its transfer to the Court of X Additional District & Sessions Judge, was renumbered as I.A. No.1515 of 2015 in O.S. No.68 of 2015.

Sri V. Ravinder Rao, Learned Counsel for the petitioners, would submit that the petitioners herein had specifically contended before the Learned X Additional District Judge, Visakhapatnam at Anakapalle that the Learned IV Additional District Judge, Visakhapatnam, who passed the conditional order of attachment, lacked territorial jurisdiction to pass such an order; the said contention was not even considered by the Learned X Additional District Judge, Anakapalle; instead, an order was passed directing issuance of an interim attachment warrant to effect attachment of the petition schedule property; as the earlier order passed by the Learned IV Additional District Judge, is without jurisdiction, it is a nullity and nonest in law; it can be ignored; and this Court should declare the said order as null and void.

On the other hand K. Sudershan, Learned Counsel for the respondent, would submit that, while the attachment order passed by the IV Additional District Judge was only for an extent of 9504.15 square yards relating to the plots mentioned in the I.A, the petitioner had subsequently alienated some of these plots. As the material placed before this Court makes no reference to these facts, I asked Sri V. Ravinder Rao, Learned Counsel for the petitioners, whether this assertion was indeed true. Learned Counsel would, however, express ignorance and state that this contention has been raised for the first time before this Court in the present Civil Revision Petition.

While the Learned X Additional District Judge, Visakhapatnam at Anakapalle ought to have decided I.A. No.1515 of 2015, including the contention regarding lack of territorial jurisdiction of the Learned IV Additional District Judge to pass the order dated 13.04.2015, more so as the pleadings are complete, the fact also remains that, unless a Competent Court declares the earlier order passed on 13.04.2015 to be a nullity, the said order would continue to remain in force as any other valid order. As I.A. No.1515 of 2015 is still pending before the Learned X Additional District Judge, it would not be proper for this Court to express any opinion on whether or not the IV Additional District Judge lacked territorial jurisdiction to pass the order dated 13.04.2015 or regarding the consequence of such an order having been passed.

Instead of keeping the C.R.P. pending on the file of this Court, and as both Sri V. Ravinder Rao, Learned Counsel for the petitioners and Sri K. Sudershan, Learned Counsel for the respondent would agree that the Learned X Additional District Judge, Visakhapatnam at Anakapalle should be directed to decide I.A. No.1515 of 2015 in O.S. No.68 of 2015, after hearing both parties, within a specified time frame, I consider it appropriate to dispose of the Civil Revision Petition requesting the Learned X Additional District Judge, Visakhapatnam at Anakapalle to decide I.A. No.1515 of 2015 in O.S. No.68 of 2015 with utmost expedition preferably before 16.11.2015. The Civil Revision Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

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**(RAMESH RANGANATHAN, J)**

Date: 14.10.2015

Note: Issue copy by 16.10.2015

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