

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

C.R.P. No.3198 of 2015

Between:

Sri Kaleswari Travels Private Limited and another... Petitioners

And

Kosaraju Avinash and another Respondents

**JUDGMENT PRONOUNCED ON 01.10.2015
THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

C.R.P. No.3198 of 2015

ORDER:

Heard Sri Sudershen Reddy, learned senior counsel for the revision petitioners and Sri Ashok Reddy, learned senior counsel for the 1st respondent.

The revision petitioners are the defendants 1 and 2 and the 1st respondent herein is the plaintiff, who filed suit in O.S. No.283 of 2015, and the 2nd respondent herein is the 3rd defendant in the said suit. (For the purpose of convenience the parties are arrayed as in the suit).

This revision petition has been filed by the defendants 1 and 2, against the order dated 06.08.2015 passed in I.A. No.524 of 2015 in O.S. No.283 of 2015 by the VII Additional District Judge at Vijayawada wherein, attached the property mentioned in scheduled A & B, pending consideration of the suit.

Schedule "A" property is the immovable and the schedule "B" property is the movable, buses.

This Court on 11.08.2015 while ordering notice before admission, granted interim suspension of the impugned order as far as movables, vehicles, mentioned in scheduled "B" are concerned. Thereafter, interim order was extended, from time to time.

The learned senior counsel for the defendants 1 and 2, would submit that the value of the "A" schedule property is concerned, it is more than seven crores of rupees and whereas, the suit is filed only for recovery of amount in respect of which, this Court has not granted any stay. The issue is only with regard to "B" schedule property, which are vehicles.

Today, when the matter has been taken up for hearing, the learned senior counsel for the defendants 1 and 2 had filed a list of "B" schedule property, which are vehicles 36 in number valued at Rs.5,06,00,000/-.

On the other hand, the learned senior counsel for the plaintiff would submit that he had instructions about the "A" and "B" schedule properties,

which are mortgaged and there is no guarantee for the plaintiff to recover the money. Therefore, at least 10% of the total suit amount may be directed to be furnished as bank guarantee. The learned senior counsel for the defendants 1 and 2 opposed for the same on the ground that the impugned order is only pending the I.A., for consideration.

The learned senior counsel for the plaintiff did not choose to file any counter except making submissions orally on the instructions that the properties are mortgaged.

Now the point that arises for consideration is whether the impugned order suffers from any legal infirmity?

The learned senior counsel appearing for the defendants 1 and 2 would submit that the value of the "A" schedule property is more than the suit amount, in addition to the value of the "B" schedule property. As stated above that there is no stay as far as "A" scheduled property is concerned and the issue is only with regard to "B" schedule property.

As far as the "B" schedule property is concerned, the learned senior counsel for the defendants 1 and 2 contended that he would undertake that he will not alienate the "B" schedule property that is vehicles which are 36 in number valued more than the five crores.

In that view of the matter, recording the contentions of the learned senior counsel for the defendants 1 and 2, this revision petition is disposed of directing the Court below to dispose of the I.A., on merits of the case, after an opportunity is being given to the defendants to file counter in the I.A., which was filed seeking for attachment.

The undertaking, as above, given by the learned senior counsel for the defendants 1 and 2 that he will not alienate the "B" schedule property, shall hold good till consideration of I.A., and passing the orders therein.

Accordingly, this revision petition is disposed of.

As a sequel, miscellaneous petitions, if any, stands closed. There shall be no order as to costs.

Date: 01.10.2015
LSK

JUSTICE G.CHANDRAIAH