

HON'BLE SRI JUSTICE R. KANTHA RAO

C.R.P.No.5117 of 2009

ORDER:

While dealing with an identical issue in C.R.P.No.5121 of 2009, learned Single Judge of this Court took the following view:

“The order impugned in this revision is an order raising a conditional attachment in respect of properties which are subject matter of suit at the instance of respondents, and is in effect an order passed under Order 38 Rule 6 CPC.

Orders of this nature are appealable under Order 43 Rule 1 (q) CPC. Therefore, the present revision challenging the said order cannot be maintained. Therefore, the Civil Revision Petition is dismissed, granting liberty to avail the remedy under Order 43 Rule 1 (q) CPC.”

Since the issue involved in this revision is similar to the one considered by this Court in the said revision, this Civil Revision Petition is dismissed granting liberty to the petitioner to avail the remedy available under Order 43 Rule 1 (q) CPC. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

R.KANTHA RAO,J

4th February, 2016
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