

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

CIVIL REVISION PETITION No. 4227 of 2016

ORDER:

This civil revision petition is filed by the petitioner/defendant aggrieved by the interim attachment order dated 17.03.2016 in I.A.No.681/2016 in O.S.No.88/2016 passed by the learned Senior Civil Judge, Kadapa, under Order 38 Rule 5 CPC directing notice to respondent and prohibitory order to the Garnishee i.e., Assistant Commissioner of Police, CCRP, Basheerbagh, Hyderabad.

2. Heard Sri M.D.Mohapatra, learned counsel for the petitioner, and Sri G. Ramachandra Reddy, learned counsel for the respondents.

3. The main attack of the impugned order, as can be culled out from the argument of the learned counsel for the petitioner, is that the suit document i.e., *Oppudala Kararu Agreement dated 27.12.2014*, on whose strength the respondent/plaintiff filed O.S.No.88 of 2016, is a forged document and even assuming the suit document to be a genuine document, the same was not executed at Kadapa which is evident from the recitals in the document and therefore, at the outset, the trial Court has no territorial jurisdiction to entertain the suit itself, and to that effect the petitioner/defendant has already filed counter in I.A.No.681/2016 and also written statement taking the plea of territorial jurisdiction, besides the forgery nature of the suit document, but the trial Court was postponing the hearing of the I.A.No.681/2016 as the respondents/plaintiffs were not cooperating for early disposal of

the attachment petition and further, due to the impugned interim attachment, the petitioner/defendant whose amounts are held up in the Office of the Assistant Commissioner of Police, CCRP, Basheerbagh, suffers.

4. Learned counsel for the petitioner would, therefore, request this Court to either dispose of this civil revision petition taking the aforesaid contentions of the petitioner, or to give a direction to the trial Court to dispose of the I.A.No.681/2016 at the earliest.

5. Per contra, learned counsel for the respondents/plaintiffs would submit that the suit is very much maintainable before the trial Court in view of the fact that the suit agreement is a genuine document and it was executed in Kadapa.

6. In the light of the above submissions made by both the sides, this Court, considering the fact that it is not apt for this Court to take up the issue of either the alleged forgery nature of the suit document or the territorial jurisdiction of the trial Court, prefers to give a direction to the trial Court to dispose of the I.A.No.681/2016 within a reasonable time.

7. Accordingly, the trial Court is directed to dispose of the I.A.No.681/2016 in O.S.No.88 of 2016, on merits, after hearing both the parties, within a period of one month from the date of receipt of a copy of this order. So far as the issues touching the alleged forgery nature of the suit document and the territorial jurisdiction of the Court

are concerned, they can be decided during trial. The trial Court can take up other contentions raised in the I.A.No.681/2016, touching the maintainability of prohibitory order and dispose of the I.A.No.681/2016, on merits, after hearing both the parties, within one month as stated supra.

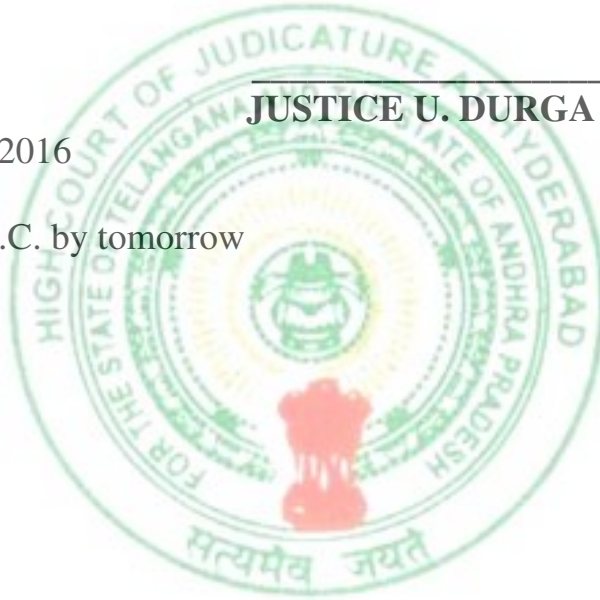
8. The civil revision petition is, accordingly, disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

24th October, 2016

JUSTICE U. DURGA PRASAD RAO

Note: Issue C.C. by tomorrow

B/o
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