

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice G.Shyam Prasad

–
Civil Revision Petition No.3959 of 2016

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Date: 16.08.2016

Between:

Abdul Munaf and 3 others

..Petitioners

and

M/s.Sumraksha Chit Funds (P) Ltd.,
Yellandu, rep. by its Foreman
Khammam District

..Respondent

Counsel for the Petitioners: Mr.P.Narahari Babu

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

An *ex parte* interim order of attachment in
EP.No.191 of 2015 in Arbitration Case No.564 of
2014 on the file of the Principal Senior Civil Judge
at Kothagudem is questioned in this Civil Revision

Petition by petitioner Nos.1 to 3, who are the guarantors, and petitioner No.4, who is the principal borrower.

At the hearing, Mr.P.Narahari Babu, learned Counsel for the petitioners, submitted that petitioner No.4 is prepared to repay the awarded amount in reasonable installments.

At this stage, we are not inclined to entertain this Civil Revision Petition for adjudication on merits for the reason that the order of attachment is interim in nature and the petitioners are entitled to approach the Execution Court and seek its indulgence, more so, when petitioner No.4, who is the Principal borrower, is offering to repay the awarded amount, if reasonable installments are granted.

Therefore, the petitioners are relegated to the remedy before the Execution Court, however, with liberty to file a fresh Civil Revision Petition, in the event any order adverse to their interests is passed by the Execution Court.

Accordingly, the Civil Revision Petition is dismissed without adjudicating on the merits of the case and with liberty to the petitioner as above.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.5103 of 2016, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(G.Shyam Prasad, J)

Dt: 16th August, 2016
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