

HON'BLE SRI JUSTICE S. RAVI KUMAR

C.R.P No.2495 of 2016

ORDER:

This revision is preferred questioning order dated 26.04.2016 in IA No.752 of 2016 in O.S.No.145 of 2016 on the file of Senior Civil Judge, Kadapa.

2. Revision petitioner herein is defendant in the above referred suit and plaintiff filed the suit for recovery of Rs.13,51,248/- and sought attachment before judgment of plot numbers 101, 302, 303, 304 along with houses and commercial building i.e., immovable property, for which, the court has passed an order directing petitioner herein to furnish security for the suit amount within 48 hours, and on failure to furnish such security, ordered for attachment of schedule property. The defendant without filing any counter and without showing the objections for such order straight away filed this revision contending that the court without issuing notice to furnish security ordered for attachment.

3. As seen from the impugned order, 48 hours time is given to the defendant to furnish security for the suit amount, and only on failure to furnish security, attachment would be made. There is nothing wrong in the order of lower court and the objection of revision petitioner that no notice was given and no opportunity was given to furnish security is apparently incorrect. If 48 hours time is not sufficient to furnish security, revision petitioner ought to have approach the court below and sought for extension of time, and without availing the remedy available, approached this court by invoking revisional powers.

4. I do not find any illegality or jurisdictional error in the order of court below. However, revision petitioner is given liberty to approach the court below and file counter to the attachment petition and contest the same, and on such counter being filed, the court below shall consider the same on merits without being influenced with any of the observations made in this order.

5. For these reasons, this revision is devoid of merits and liable to be dismissed.

6. Accordingly, this Civil Revision Petition is dismissed at admission stage. No costs. Miscellaneous petitions, if any pending, in these Revisions shall stand closed.

S. RAVI KUMAR, J

Date: 02-06-2016.

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