

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Civil Revision Petition No. 2164 of 2016

ORDER:

This Civil Revision petition by the respondents/ defendants 1 and 2 under Article 227 of the Constitution of India is directed against the order dated 15.03.2016 of the learned IV Additional District Judge, Visakhapatnam, passed in I.A.No.318 of 2016 in O.S.No.116 of 2016 filed under Order XXXVIII Rule 5 read with Section 151 of the Code of Civil Procedure, 1908.

2. I have heard the submissions of *Sri Challa Dhanamjaya*, learned counsel appearing for the petitioners and *Sri P.Venu Gopal*, learned senior counsel appearing for *Sri D.V.S Sta Rama Raju*, learned counsel for the respondents.

3. By the impugned order, the trial Court while directing the defendants/ revision petitioners to furnish security within the date mentioned in the said orders, granted a prohibitory order against the garnishee to ensure that the petition schedule amount remains un-disbursed in the meanwhile, to protect the interests of the plaintiff/ 1st respondent herein.

4. At the hearing, it is fairly stated that after the institution of this revision, the defendants 1 and 2 had already filed an application to vacate the aforesaid order passed by the trial Court. Since pursuing two parallel remedies is not necessary, it is stated that this revision petition may be disposed of directing the trial Court to dispose of the application for attachment before judgment as well as the vacate petition within a time frame in the interests of justice.

5. Recording the submissions, the revision petition is disposed of, directing the trial Court to dispose of I.A.No.318 of 2016 in O.S.No.116 of 2016 as well as the application for vacating the orders impugned in this revision filed by the defendants 1 and 2, as expeditiously as possible, preferably within one month

from the date of receipt of a copy of this order. It is made clear that the order, which is impugned in this revision, shall be in force until the trial Court disposes of the afore-stated application on merits, as directed in these orders.

Miscellaneous petitions, if any, pending in this revision, shall stand closed.

M. SEETHARAMA MURTI, J

28th November, 2016

Note:- Issue CC by 30-11-2016
(B/o)
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