

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.4150 OF 2016

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed challenging the Order dated 14.07.2016 in I.A. No.315 of 2016 in O.S. No.400 of 2016, passed by the I Junior Civil Judge, City Civil Court, Secunderabad, whereby calling upon the revision petitioner to furnish security for the suit amount of Rs.1,54,652/- together with suit costs.

The only contention before this Court in the revision petition is that the Court did not record its satisfaction to come to a *prima facie* conclusion that the revision petitioner shifting its movables outside the jurisdiction limits of the Court and in the absence of recording such satisfaction, the order is not sustainable.

Notice on the respondent served, but none appeared.

The suit was filed for recovery of Rs.1,54,652/- and along with the suit, an interlocutory application under Rule 5 of Order XXXVIII of the Code of Civil Procedure, 1908 to order attachment of movables before Judgment shown in the schedule annexed to the petition alleging that the respondent herein from his well wishers came to know that the revision petitioner is shifting his movables from the ordinary place of business and trying to change the name of business and in such case, it is difficult for him to realize the amount due under decree that may be passed against him.

The trial court passed the order under challenge without recording any reasons and in view of the Judgment of this Court in

MANDALA SATYANARAYANA v. BARLA BABU RAO¹ the Court is under obligation to record reasons for its satisfaction based on *prima facie* consideration and in the absence of recording its satisfaction, the order cannot be sustained, by applying principles laid down in the above Judgment, I find that it is a fit case to set aside the order under challenge, however, the respondent is at liberty to revive such application for attachment, on filing of such application, subject to the satisfaction, the Court may pass appropriate orders.

In the result, the revision petition is allowed setting aside the order dated 14.07.2016 in I.A. No.315 of 2016 in O.S. No.400 of 2016. No costs.

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

M. SATYANARAYANA MURTHY, J

Date: 28.09.2016
BV

¹ AIR 2010 (NOC) 573 (AP) (DB)