

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

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**Civil Revision Petition No.4851 of 2011**  
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**ORDER:**

The 1<sup>st</sup> respondent in IA.no.2523 of 2011 in OS.no.623 of 2011 on the file of the Court of the learned II Additional Chief Judge, City Civil Court, Hyderabad filed this Civil Revision Petition under Article 227 of the Constitution of India assailing the orders dated 01.10.2011 passed in the aforementioned IA filed by the plaintiff under Order 21 Rule 46(b) read with Section 151 of the Code of Civil Procedure, 1908 praying to grant a prohibitory order against respondents 2 and 3, who are said to be the garnishees of the 1<sup>st</sup> respondent.

2. Heard the learned counsel appearing for the revision petitioner/1<sup>st</sup> respondent/defendant ('the defendant', for brevity). There is no representation for the 1<sup>st</sup> respondent/petitioner/plaintiff company ('the plaintiff company', for brevity). Perused the material record.

3. IA.no.2523 of 2011 is filed by the plaintiff company *inter alia* contending that the defendant is due to pay to it a sum of Rs.53,48,611/- and that the suit is filed for recovery of the said money with interest and costs basing on a cheque and other documents between the parties and that the plaintiff company came to know that the defendant is screening away its assets and trying to leave the jurisdiction of the Court below and that, therefore, it has become necessary for the plaintiff company to seek a prohibitory order. It was further contended by the plaintiff company before the trial Court that if prohibitory order is not granted as prayed for, the plaintiff company would not be in a position to realise any amount from the defendant in case of its ultimate success in the suit and that the decree that may eventually be passed would be of no avail to it. Having considered the said contentions,

the Court below passed the order impugned. The operative portion of the said order reads as under: **‘For the reasons stated above, issue prohibitory orders to respondents 2 and 3 (garnishees of first respondent) directing each of them to withhold payment of RS.25,00,000/- (Rupees Twenty five Lakhs only) to the first defendant until further orders of this Court if at all they are due to first respondent. Issue notice to the respondents through court and RP by 24.10.2011. Petitioner is directed to transmit the copies proceedings to all the respondents within 48 hours.’** [Reproduced verbatim]

4. In view of the fact that the aforesaid IA is pending and there is an opportunity to the defendant to appear before the trial Court and file a counter and contest the said IA, this Court finds that, at this distance of time, there is no need to pass any orders on merits in this revision petition and it would be in the interests of justice to dispose of this revision petition with appropriate directions.

5. Accordingly, the Civil Revision Petition is disposed of giving liberty to the defendant to file its counter by taking all available pleas, which the law permits, and contest IA.no.2523 of 2011 on merits. Considering the issue involved in the matter, the Court below is directed to dispose of the said IA on filing of the counter of the defendant as expeditiously as possible and preferably within a period of one month thereafter. Since there is already a prohibitory order granted by the Court below in favour of the plaintiff and the said order is being maintained by this Court, no further coercive steps shall be taken by the plaintiff directly against the defendant until the disposal of the aforementioned IA by the Court below as directed in these orders. This observation shall not preclude the plaintiff company from seeking appropriate relief/s from the Court below in the pending IA or by filing fresh application/s, which the law permits.

There shall be no order as to costs.

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

closed.

2<sup>nd</sup> June, 2016  
Vjl

M. SEETHARAMA MURTI, J