

**HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

**CIVIL MISCELLANEOUS APPEAL No.958 OF
2015**

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JUDGMENT: (Per Hon'ble Sri Justice A. Shankar Narayana)

This Civil Miscellaneous Appeal is preferred by the respondents – defendants in I.A. No.1515 of 2015 in O.S. No.68 of 2015, on the file of the X Additional District & Sessions Judge, Visakhapatnam at Anakapalle, aggrieved by the order, dated 18-11-2015 in I.A. No.1515 of 2015 in O.S. No.68 of 2015.

2. When the Court below issued conditional attachment order, 28-09-2015, the appellants - respondents furnished security by way of immovable property sufficient to satisfy the suit claim of Rs.1,04,41,788/-. It appears that when recording satisfaction, the Court below has acceded to the objections filed by the respondent herein, who is petitioner - plaintiff in I.A. No.1515 of 2015, and thereby rejected to accept the security furnished by the appellants herein, by impugned order, and made absolute the interim attachment order, dated 28-09-2015.

3. Aggrieved by the impugned order, the appellants

preferred the instant appeal.

4. Heard Sri V. Ravinder Rao, learned counsel for the appellants - respondents, and Sri K. Sudershan, learned counsel for the respondent - petitioner.

5. During the course of arguments, the learned counsel for the appellants – respondents submits that the appellants - respondents are ready to deposit the suit claim amount of Rs.1,04,41,788/- as cash security.

6. In view of the offer made by the appellants to deposit the amount of Rs.1,04,41,788/- towards security for the suit claim made by the respondent – petitioner, the order under challenge is set aside by raising the attachment. The appellants - respondents are permitted to deposit an amount of Rs.1,04,41,788/- to the credit of O.S. No.68 of 2015 on the file of the X Additional District & Sessions Judge, Visakhapatnam at Anakapalle, within a period of four (04) weeks from today. On such deposit, the learned X Additional District & Sessions Judge, Visakhapatnam at Anakapalle, shall deposit such amount in interest bearing Fixed Deposit in any Nationalized Bank initially for a period of one year and the same to be renewed from time to time till disposal of the suit.

7. With the above observations, the Civil Miscellaneous Appeal is allowed. There shall be no order

as to costs.

8. As a sequel thereto, Miscellaneous Applications,
if any, pending in this appeal, stand disposed of.

**R. SUBHASH
REDDY, J**

A. SHANKAR NARAYANA, J

January 07, 2016.

VV/Mgr