

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.243 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner, who is respondent No.1 in I.A.No.72 of 2016 in O.S.No.27 of 2016, aggrieved by the order dated 25.01.2016 passed by the Principal Senior Civil Judge, Nellore, Nellore District (for brevity "the Court below") in the said I.A., directing her to furnish third party security relating to immovable property for the suit amount and costs, failing which ordered for attachment to the extent of suit amount and costs out of the balance amount lying in Savings Bank Account No.31179703191 of the State Bank of India, Railway Station Road, Santhapet, Ongole Town, Prakasam District, while posting the matter to 26.02.2016.

2. It is the case of the petitioner that the said order of attachment has been passed by the Court below on 25.01.2017 without notice to the petitioner and the same has been received by her only on 27.01.2016 i.e., 2 days after passing of the said order and setting out the said fact, the petitioner had filed a counter affidavit before the Court below. It is the further case of the petitioner that though she filed counter affidavit long back seeking to vacate and modification

of the interim order, the same is not being disposed of. Hence, the present Civil Revision Petition.

3. Heard learned counsel for the petitioner and perused the material on record.

4. Having regard to the submissions made by the learned counsel for petitioner, keeping in view the fact that the order of attachment passed by the Court below is only an ad-interim order and also taking into consideration the averments of the petitioner made in the counter affidavit, *prima-facie*, this Court considers it appropriate to direct the Court below to dispose of I.A.No.72 of 2016 by passing appropriate orders in accordance with law, by the next date of hearing, at any rate, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion as regards the validity or otherwise of the order under revision and, therefore, it is not necessary to issue notice to the respondents.

5. Accordingly, this Civil Revision Petition is disposed of. Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed. No order as to costs.

JUSTICE CHALLA KODANDA RAM

27.01.2017.

NOTE: Issue C.C. in two days.
(B/O)
Msr

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27.01.2017
Msr