

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3667 of 2017

ORDER:

This Civil Revision Petition under Section 115 CPC is filed challenging order, dated 19.07.2017 in E.A.No.34 of 2016 in E.A.No.13 of 2016 in E.P.No.6 of 2015 in O.S.No.533 of 2013 passed by VIII Additional District and Sessions Judge, Medak, to break open the lock and break down the main gate of respondent Company after following due procedure.

The main reason for passing the order impugned is, attachment of immovable property was ordered in E.A.No.13 of 2016 in E.P.No.6 of 2015. The present E.A. was filed to break open the lock etc., on the premise that the Court below ordered attachment of immovable property. In E.A.No.13 of 2016, no attachment of immovable property was ordered but attachment of movable property was sought. Therefore, there is absolutely no basis for passing the order impugned and the conclusion arrived at by the Court below is erroneous on the face of record.

Sri E.V.V.S. Ravi Kumar, counsel for respondent No.1, fairly conceded that no order to attach immovable property was passed and requested this Court to pass appropriate order.

In view of the illegality pointed out in earlier para and in view of the concession of counsel for respondent, this Civil Revision Petition is allowed and order impugned is set aside with a direction to the Court below to dispose of E.A.No.34 of 2016 within a period of one month from the date of receipt of a copy of this order, in accordance with law.

Consequently, pending Miscellaneous Petitions, if any, shall stand disposed of. No order as to costs.

13th SEPTEMBER, 2017.

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M. SATYANARAYANA MURTHY, J

