

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CIVIL REVISION PETITION No. 3225 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, by the petitioners/respondents 1 and 2 is directed against the order, dated 28.04.2017, of the learned XII Additional Chief Judge, City Civil Court, at Secunderabad, passed in I.A.no.526 of 2017 in O.S.No.22 of 2017.

2. I have heard the submissions of *Sri K.Krishnavijay Azad*, learned counsel appearing for the petitioner, and of the learned counsel appearing for the respondents. I have perused the material record.

3. The petitioners have come up with this revision before this Court challenging the *ex parte* order passed in the above said interlocutory application prohibiting the garnishee from distributing or releasing the amount stated in the order and further directing the garnishee to deduct and send the amount aggregating to a sum of Rs.50 lakhs to the credit of the aforesaid suit. Though several grounds are urged in this revision and the impugned order is also challenged on the ground that the mandatory requirements of Order XXXVIII Rule 5 of the Code are not satisfied, this Court is of the considered view that instead of entertaining the revision petition, it would be appropriate to direct the petitioners to approach the trial Court and move an appropriate application as envisaged under law for vacating the interim order and/or raising the attachment.

4. The Civil Revision Petition is accordingly disposed of permitting the petitioners to approach the trial Court and make a request to the trial Court to dispose of, on merits, the present interlocutory application [I.A.no.526 of 2017] along with the interlocutory application seeking to vacate the interim *ex parte* order, which the petitioners may file as now undertaken. It is needless to

mention that upon the petitioners filing such an application as per the liberty now sought for and granted to them, the trial Court shall hear the said interlocutory application, which the petitioners herein may file seeking to vacate the interim *ex parte* order and also the interlocutory application in I.A.no.526 of 2017 in O.S.No.22 of 2017 and dispose of the same together, as expeditiously as possible and preferably before 30.08.2017, however in strict accordance with the procedure established by law.

Miscellaneous petitions pending, if any, in this Revision shall stand closed.

04.08.2017

Note: Issue CC by 07.08.2017
(B/ o)
RAR

M. SEETHARAMA MURTI, J

