

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.1569 of 2017

ORDER:

The petitioner has come up with the above revision petition challenging an *ex parte* order passed against him, prohibiting the garnishee from distributing the amounts due to the petitioner.

2. Heard Mr. K. Krishnavijay Azad, learned counsel for the petitioner.

3. Though the learned counsel for the petitioner challenges the impugned order on several grounds including one that the mandatory requirements of Order 38 Rule 5 of the Code of Civil Procedure are not satisfied, I am of the considered view that entertaining the Civil Revision Petition will only prolong agony rather than giving a solution to the problem. The petitioner has now filed an application in I.A.No.1064 of 2017 for vacating the interim order. Unfortunately, the same appears to have been adjourned to 02-06-2017.

4. In matters of this nature, it is essential that such applications are decided at the earliest. A party, who has already obtained an *ex parte* order of this nature, cannot also seek to prolong it.

5. Therefore, the Civil Revision Petition is disposed of permitting the petitioner to file an application for advancing the hearing of the Vacate Interim order petition. Upon the petitioner filing such application, the Court below shall take up the vacate interim

order petition and endeavour to dispose it of on or before 30th April, 2017.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 13-04-2017

Note: Issue C.C. today

B.O./Ksn

