

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.4100 of 2010

ORDER :

The respondents 1 and 2 served failed to attend and hence taken as heard. Heard the learned counsel for the petitioner/defendant in O.S.No.965 of 2010 and respondent to I.A.No.381 of 2010 pending disposal of the suit in ordering attachment before judgment of the property of the 1st defendant, which is the bank account lying with the 2nd defendant-bank. Perused the grounds urged in the revision and the impugned order dated 30.07.2010 in I.A.No.381 of 2010 in O.S.No.965 of 2010 passed by the I Additional Senior Civil Judge, Vijayawada, Krishna District.

This Court, on 24.09.2010, passed an interim order modifying the attachment order, which reads as follows:

“ Notice before admission.

Learned counsel for the petitioner is permitted to take out personal notice to the respondents by registered post with acknowledgement due and file proof of service into the Registry.

Obviously, the impugned order is passed without giving an opportunity to the revision petitioner to furnish any security, as postulated under Order 38 Rule 5 C.P.C.

The petitioner now offers to give third party security for a sum of Rs.2,48,000/- to the satisfaction of the Court.

Therefore, having regard to the facts and circumstances, there shall be interim suspension of operation of the order in I.A.No.381 of 2010 in O.S.No.965 of 2010 on the file of the I

Additional Senior Civil Judge's Court, Vijayawada, Krishna District and further, the second respondent is directed to permit the petitioner to operate her bank account i.e., deposit and withdrawal of amounts and to and from the bank account, subject to condition of the petitioner furnishing third party security by way of Fixed Deposit for a sum of Rs.2,48,000/- in the name of the plaintiff in I.A.No.381 of 2010 in O.S.No.965 of 2010 on the file of I Additional Senior Civil Judge's Court, Vijayawada, Krishna District, within a period of two weeks from today."

Having regard to the facts and circumstances, the said order of this Court passed on 24.09.2010 is made absolute by disposing of revision to that effect allowing the same.

Accordingly, the Civil Revision Petition is disposed of

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:20-11-2017
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Dr. B. SIVA SANKARA RAO, J

