

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

C.M.A.No.814 of 2017

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

The appellant is the petitioner/plaintiff in I.A.No.175 of 2017 in O.S.No.52 of 2017 on the file of the Judge, Family Court-cum-VIII Additional District Judge, Prakasam at Ongole. By the order dated 19.06.2017 passed in the said I.A., the trial Court directed the respondents/defendants therein to furnish security within 48 hours, failing which, conditional attachment of item Nos.1 to 4 of the petition schedule properties was ordered.

Significantly, the petitioner/plaintiff sought attachment of items 1 to 10 of the petition schedule property but the attachment ordered was restricted to items 1 to 4 only.

We are now informed that items 1 to 4 of the petition schedule properties have already been sold by the respondents/defendants and though they failed to furnish security in terms of the order passed by the trial Court, the conditional attachment order is of no avail. As this aspect of the matter relating to items Nos.1 to 4 of the petition schedule properties not being available due to alienation was not brought to the notice of the trial Court, we permit the appellant/plaintiff to bring the same to the notice of the trial Court and seek appropriate orders in accordance with law.

The C.M.A. is disposed of accordingly. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date: 14.09.2017

SANJAY KUMAR, J

M.S.K.JAI SWAL, J