

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.3784 of 2017

ORDER :

This Civil Revision Petition is filed aggrieved by the order dated 28.06.2017 in I.A.No.493 of 2017 in O.S.No.32 of 2017 passed by the I Additional District Judge, Nalgonda.

Heard learned counsel for the revision petitioner/ defendant of O.S.No.32 of 2017 and respondent to I.A.No.493 of 2017, before ordering notice to the respondent/ plaintiff and perused the grounds urged in the revision petition, the impugned order and the expression of the Division Bench of this Court in Mandala Suryanarayana @Babji v. Barla Babu Rao¹.

The only impugment against the conditional attachment order, that is made absolute by the impugned order is that the order is *lacunae* and not supported by reasons which are required as held by the Division Bench and there is no foundation to order attachment and the counter contentions also ignored in passing the order.

In fact, a perusal of the order it is crystal clear that the revision petitioner as respondent before the lower Court did not even choose to offer any security so far. What all contended in the counter which is reflected in the impugned order at para-3 is that the alleged

¹ 2010(2) ALD 417 (DB)

loan is denied and he is not intended to sell or alienate the petition schedule house property and the same is under mortgage with bank and it was a house loan taken and mortgaged the property and source of information for the allegation of intending to alienate not even mentioned and thereby, there are no reasons to order attachment before judgement. In fact, the impugned order is very clear in its observation that earlier even I.A.No.45 of 2017 filed by the plaintiff for attachment of some other property against the defendant/revision petitioner, where it is contended that the property already gifted by him to his daughter as pasupu-kumkuma. It is not even the case that he got any other property and it is also his case that the property is already under the mortgage to Andhra Bank for the house loan.

Having regard to the above, when there is nothing to recover the debt and not even chosen to offer any security, there is nothing to interfere with the conditional attachment order made absolute by the lower Court, because the reasons are sufficient for nothing to impugn, much less, to interfere by sitting in revision.

Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:11-08-2017

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