

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No. 6631 OF 2017

DATED 30TH NOVEMBER, 2017

Between:

Kalam Sujatha Reddy ... Petitioner

AND

Surya Constructions,
Rep. by its Managing Partner
Jampana Kiran, S/o late Ranga Raju,
41 years, R/o Plot No. 87, D.No. 1-66-3/6,
Ramachandraji Nivas, MVP Colony,
Sector – 2, Visakhapatnam, and another ... Respondents

Counsel for the petitioner : Sri V.Mahesh Kumar

Counsel for the respondents : --

THE COURT MADE THE FOLLOWING

ORDER:

This civil revision petition arises out of order dated 26-10-2017 in I.A.No. 2150 of 2017 in O.S.No. 425 of 2017 on the file of the Court of Principal District Judge at Visakhapatnam (for short, 'the Court below'), whereby, while issuing notice to the petitioner to show cause as to why she should not furnish security for Rs.27,56,952/- within 48 hours, it has ordered conditional attachment of the petition schedule property under Order XXXVIII Rule 5 (3) of the Code of Civil Procedure.

2. Though learned counsel for the petitioner has advanced submissions such as lack of jurisdiction to the Court at Visakhapatnam and the alleged illegal nature of the *ex parte* order of attachment without first serving show-cause notice, I am not inclined to adjudicate these aspects on merits at this stage, for the petitioner is entitled to move the Court below for vacation of the *ex parte interim* order. Therefore, without expressing any opinion on the legality or otherwise of the order questioned in this revision petition, the same is dismissed with liberty to the petitioner to move the Court below for vacating the *ex parte interim* order.

3. Subject to this liberty given to the petitioner, the civil revision petition is dismissed.

4. As a sequel to dismissal of the civil revision petition, C.R.P.M.P.Nos. 8500 and 8501 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 30-11-2017.

JSK

