

THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON' BLE SRI JUSTICE T. AMARNATH GOUD

CIVIL REVISION PETITION No.1050 OF 2018

Date:21.02.2018

Between:

Mr. N.Vijay Mohan Rao S/ o.Late Mr. N.Jagan Mohan Rao,
Saged about 38 years, Occ: Business, R/ o.H.No.1-8-85/ 1,
C.C.I. Road, Tandur.

...Petitioner

Vs.

M/ s.Sriram City Union Finance Limited,
Branch at Mahaboobnagar, represented
By GPA Holder Mr. K.V. Ramana
S/ o.M.r K. Appala Konda, aged about 52 years,
R/ o.Hyderabad and others.

... Respondents

Counsel for petitioner : Sri B.Sashidhar

Counsel for Respondents : None

Gist :

Head Note :

Cases Referred : Nil



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ORDER: (per V. Ramasubramanian, J)

Aggrieved by an ex-parte order of attachment of movables granted by the Executing Court, an award debtor has come up with the above revision.

2. Heard Mr. B. Shashidhar, learned counsel for the petitioner.

3. According to the petitioner, he has already filed a petition under Section 34 of the Arbitration and Conciliation Act, 1996, for setting aside the Award. We do not know whether the said petition is within time or not. In any case, if a valid application under Section 34 of the Arbitration and Conciliation Act, 1996, has been made, the petitioner should move that Court for interim orders as against the award.

4. Insofar as the grievance of the petitioner that the order of attachment has been passed ex-parte, is concerned, there is a distinction between an order of attachment under Order 38 Rule 5 CPC and Order 21 Rule 54 CPC. Therefore, the appropriate course of action for the petitioner is only to move the Executing Court for raising the order of attachment if he had a valid objection to the plea for attachment.

5. With the above liberty, the revision is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

T. AMARNATH GOUD, J

February 21, 2018
KTL