

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.5830 of 2012

ORDER:

Heard Mr.A.Chandraiah Naidu for revision petitioner.

No representation for respondents.

The husband/respondent in FCOP.No.211 of 2012 is the revision petitioner. The Civil Revision Petition is filed challenging the order of attachment which reads thus:

"I.A.No.1391 of 2012

F.C.O.P.No.211 of 2012 Date:03-07-2012

Heard

Upon perusal the material, that it is a fit case to pass conditional attachment.

In the result conditional attachment order is passed i.e. the respondent is directed to furnish security for the suit claim within 48 hours after receipt of the notice i.e., at the rate of Rs.10,000/- per month from the date of petition to the petitioners till the 2nd and 3rd petitioners attain majority. Thereafter at the rate of Rs.3,400/- per month towards maintenance of 1st Petitioner subject to result of this petition and main petition. Issued conditional attachment and ordered urgent Notice. 3/8/12

Call on 3-8-2012

Petitioner not represented

And notice to Respondents:12-9-12"

as illegal and beyond the jurisdiction of trial Court.

Mr.Chandraiah Naidu contends that firstly the order of attachment without putting the petitioner on notice is illegal

and unsustainable. Secondly, the amounts payable to respondent towards maintenance is to be determined and thereafter, there is default on the part of the revision petitioner, then steps for creation of charge etc., as is warranted in the circumstances of the case can be considered by the trial Court. In the case on hand, by accepting the amounts demanded by respondents herein as payable, attachment order is effected.

I have perused the order, much deliberation is not required to hold that the trial Court ought to have exercised its jurisdiction in accordance with the applicable provisions of law.

The order under Civil Revision Petition is set aside.

The trial Court is directed to dispose of FCOP.No.211 of 2012 within eight weeks from the date of receipt of copy of this order.

Civil Revision Petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 07.09.2018
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