

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.6412 of 2018

ORDER:

Challenging the Order, dated 14.09.2018, in I.A.No.326 of 2013 in O.S.No.15 of 2013, passed by the II Additional District Judge, Adoni, the present Civil Revision Petition is filed.

The brief facts are that the petitioner herein is the plaintiff in the suit. He filed I.A.No.326 of 2013, invoking Order 38 Rule 5 of C.P.C., seeking attachment of the petition schedule property and a direction to the respondents not to alienate or meddle with the property in any manner till disposal of the suit. The said I.A. came to be filed in 2013, but however, for some reason or other, it was not disposed of till 14.09.2018 (In the order it is typed as 14.11.2018). It is not in dispute that the suit is at the stage of cross-examination of witnesses on behalf of the plaintiff. In other words, the suit is at the advanced stage. Taking the said fact and also the fact that the suit itself is at the advanced stage of recording of evidence, into consideration, the learned Judge dismissed the I.A., particularly recording the finding that though the petitioner had stated in the affidavit, filed in support of the I.A., that the respondents-defendants are trying to alienate or meddle with the property, there is no material brought before the Court to support the said specific contention. The learned Judge also had come to the conclusion that there is no imminent danger for the petitioner that the respondents-defendants would alienate the property or create any charge with respect to the property.

Heard the learned counsel for the petitioner.

Having considered the material on record and having perused the order under revision, this Court does not find any irregularity therein, particularly, in the absence of any material and in view of the fact that the respondents-defendants have not made any efforts during pendency of the suit to alienate or create any charge over the property. However, interest of justice would be served if a direction is issued to the learned II Additional District Judge, Adoni, to dispose of the suit as expeditiously as possible, at any rate within a period of six months.

Accordingly the Civil Revision Petition is disposed of. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

Date: 14.11.2018

Ssv

CHALLA KODANDA RAM, J.

