

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.6809 of 2017

ORDER:

1 This petition is filed under Article 227 of the Constitution of India, challenging the order dated 26.10.2017 passed in I.A.No.531 of 2016 in O.S.No.935 of 2016 on the file of the Court of the I Senior Civil Judge, City Civil Court, Hyderabad.

2 Heard the learned counsel for both parties.

3 The point for consideration is whether there is any irregularity, illegality or impropriety in the impugned order?

4 A perusal of the record reveals that the petitioner filed O.S.No.935 of 2016 on the file of the Court of the I Senior Civil Judge, City Civil Court, Hyderabad against the respondent for recovery of an amount of Rs.11,20,000/- with future interest. Pending suit, the petitioner filed I.A.No.531 of 2016 under Order XXXVIII Rule 5 CPC for interim attachment of the petition schedule property. The respondent filed counter, *inter alia*, contending that the affidavit filed by the petitioner does not disclose reasons much less cogent and valid reasons for interim attachment. Basing on the material available on record, the trial Court dismissed the petition. Hence the present Civil Revision Petition.

5 In order to appreciate the respective contentions of the learned counsel for the parties, this Court carefully perused the affidavit filed by the petitioner before the trial Court. The affidavit does not disclose the details of the person to whom the respondent is intending to sell the property. There is no mention in the affidavit that the respondent

is intending to alienate the property with an intention to defeat the decree likely to be passed in favour of the petitioner and against the respondent. The affidavit filed by the petitioner is bereft of the necessary details.

6 The trial court considered all these aspects in right perspective and arrived at a conclusion that the petitioner failed to prove the basic ingredients of Order XXXVIII Rule 5 CPC and consequently dismissed the petition. The trial Court has assigned reasons much less cogent and valid reasons to its findings. I see no illegality, irregularity or impropriety in the impugned order, warranting interference of this court in exercise of jurisdiction under Article 227 of the Constitution of India and accordingly the Civil Revision Petition is liable to be dismissed.

7 In the result, the Civil Revision Petition is dismissed. No costs. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

Date: 13.12.2018
Kvsn

T. SUNIL CHOWDARY, J