

THE HON'BLE JUSTICE SRI T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.7097 of 2017

ORDER:

1 This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 31.10.2013 passed in I.A.No.2638 of 2013 in O.S.No.1010 of 2013 on the file of the Court of the II Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar.

2 Heard the petitioner who appeared in person and the learned counsel for the respondent.

3 A perusal of the record reveals that the respondent herein filed suit O.S.No.1010 of 2013 on the file of the court of the II Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar against the petitioner for recovery of an amount of Rs.5,15,20,000/-. Along with the suit the respondent filed I.A.No.2638 of 2013 under Order XXXVIII Rule 5 CPC seeking attachment of the suit schedule property. For one reason or the other, the petitioner has not filed his counter. The trial Court, having no other alternative, passed the impugned order dated 31.10.2013 observing that the petitioner has not filed his counter and ordered attachment of suit schedule property before judgment.

4 A perusal of the record reveals that subsequent to the passing of the impugned order, the Petitioner filed his counter on 22.01.2014.

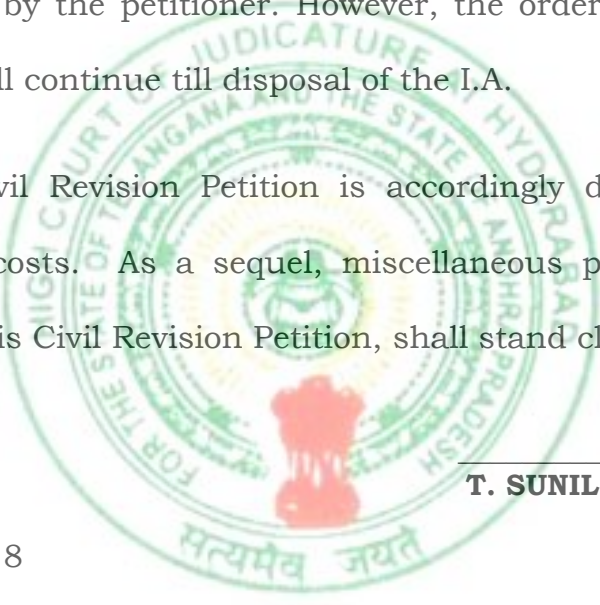
5 At the time of arguments, the only relief sought by the petitioner is that the trial Court may be directed to dispose of the

I.A.No.2638 of 2013 in O.S.No.1010 of 2013 on merits after considering the counter filed by him. The learned counsel for the respondent, in all fairness, conceded for the same.

6 In view of the submission made by the petitioner, this court is not inclined to go into the merits of the case.

7 Having regard to the facts and circumstances of the case, the trial Court is hereby directed to dispose of I.A.No.2638 of 2013 in O.S.No.1010 of 2013 on merits after taking into consideration the counter filed by the petitioner. However, the order passed by the trial Court will continue till disposal of the I.A.

8 The Civil Revision Petition is accordingly disposed of. No order as to costs. As a sequel, miscellaneous petitions, if any pending in this Civil Revision Petition, shall stand closed.



T. SUNIL CHOWDARY, J.

Dt: 11.07.2018

Kvsn