

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.C.C.A. No.447 OF 2018

JUDGMENT:

Heard the counsel for the appellant and perused the record.

2. This appeal is filed aggrieved by the order dated 05.01.2018 in E.A.No.367 of 2014 in E.P.No.20 of 2014 on the file of the IV Senior Civil Judge, City Civil Court, Hyderabad.

3. As per the material placed on record, the EP schedule properties were not attached pursuant to the decree passed in O.S.No.1733 of 2018 on the file of the IV Senior Civil Judge, City Civil Court, Hyderabad. Without therebeing attachment of the properties said to have been belonging to the petitioner, the claim petition was filed before the Court below under Order XXI Rule 58 of the Code of Civil Procedure. The Court below holding that there was no attachment of the properties, dismissed the claim application. The provisions under Order XXI Rule 58 of the Code of Civil Procedure are required to be invoked only with regard to the claims to or objections to attachment of property. In the subject case, no properties, as contended by the appellant, were attached. Under these circumstances, there is nothing wrong in the impugned order. The appeal is devoid of merits.

4. Accordingly, the appeal is dismissed confirming the order, dated 05.01.2018, passed in E.A.No.367 of 2014 in E.P.No.20 of 2014 on the file of the IV Senior Civil Judge, City Civil Court, Hyderabad.

5. Miscellaneous Petitions pending in this appeal, if any, shall stand closed. No order as to costs.

29th January, 2019.
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Dr. SHAMEEM AKTHER, J