

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2023 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners/defendants aggrieved by the order of attachment before judgment dated 03.05.2019 passed in I.A.No.153 of 2019 in O.S.No.91 of 2019 by the Principal Senior Civil Judge, Kothagudem.

2. Heard learned counsel for the revision petitioners/defendants and perused the record.

3. Learned counsel for the revision petitioners/defendants would contend that the impugned order dated 03.05.2019 was passed without notice to the revision petitioners. There are several contradictions with regard to the original suit and money lending transaction between the plaintiff and the deceased-Lakshminarayana. In spite of that the Court below erroneously passed the impugned order and ultimately prayed to allow the revision petition.

4. The subject suit is filed for recovery of Rs.6,08,733/- alleged to have been borrowed by late Lakshminarayana under a pronote dated 03.03.2017. A perusal of the impugned order reveals that 72 hours notice was given to the revision petitioners/defendants to furnish security for the said amount. Thereafter, when the petitioners/defendants failed to furnish security for the said amount, the Court directed the garnishee, i.e., the Chief General Manager, S.C. Company Limited, Manuguru division to attach the petition schedule amount of Rs.6,08,733/- from earned leave encashment of Rs.3,00,000/-, wage board salary arrears of Rs.2,00,000/- and FBIS

amount of Rs.2,00,000/- from and out of the death benefits of the deceased-P.Lakshminarayana.

5. Under these circumstances, there is nothing to state that sufficient opportunity was not given to the revision petitioners/defendants before the impugned order dated 03.05.2019 was passed. There is no legal infirmity in the impugned order. The civil revision petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed at the stage of admission.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Date: 04.02.2020
ssp

Dr. SHAMEEM AKTHER, J

