

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No: CRP(SR).No. 26677 of 2024

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
1.	07.08.2024	<u>RNT,J & VN,J</u> Heard Sri Prabhala Rajasekhar, learned counsel for the petitioner. 2. Office raised the following objections: <i>1. The provision of law on which present C.R.P. is filed needs to be verified and corrected.</i> <i>2. Condone delay petition needs to be filed.</i> 3. Learned counsel for the petitioner represented the CRP(SR) with an endorsement that the revision under Section 115 of CPC is not maintainable and the only remedy is under Article 227 of Constitution of India, placing reliance in the case of <i>Indian National Centre for Ocean Information Sciences v. M/s. Unity Infra Projects Limited {2019 3 ALD 133}</i> by a co-ordinate Bench of this Court. 4. The order under challenge dated 07.12.2023 is of attachment of movable property of the petitioner after rejecting his objections. The said order is under Order 21 Rule 43 CPC. 5. In <i>M/s. Unity Infra Projects limited</i> (supra), the coordinate Bench has held that the order passed under Order 21 Rule 54 CPC is	

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		interlocutory and subject to the orders under Order 21 Rule 64 and sale as per Rule 66 CPC and consequently, the revision under Section 115 of CPC is not maintainable. The petition under Article 227 was held to be maintainable. 6. In the present case, the order has passed under Rule 43. The difference is that under Rule 43 movable property and under Rule 54 the immovable property is attached. The attachment under Rule 43 is interlocutory and subject to Rules 64 & 66. 7. We hold that this petition is maintainable. 8. Office objections are overruled. 9. Consequently, there is no need to file any application for condonation of delay. 10. Let CRP be numbered. 11. Post on 09.08.2024. _____ RNT,J _____ VN,J AG	