

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.13533 of 2015

and

M.P.No.1 of 2015

1. G.Pugazhenth

2.J.Selvamani

... Petitioners

- Vs -

1.The District Registrar of Chits

District Registrar Office

Sharjahan Complex

Lalkhan Street

Chidambaram

Cuddalore District

2.The Deputy Registrar of Chits

District Registrar Office

Chidambaram

Sharjahan Complex

Lalkhan Street

Cuddalore District.

3. Jayapriya Chit Funds (P) Ltd

Branch Office

No.134, Katchery Road,

Kattumannarkoil

Cuddalore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for records pertaining to the order made in unnumbered petition of 2015 in ARC No.82 of 2015 dated 21.04.2015 passed by the 1st Respondent and quash the same and further directing the respondents 1 and 2 to permit the petitioners to engage an Advocate in the proceeding in ARC No.82 of 2015.

For Petitioner

: No appearance

For Respondents

: Mr.P.Sanjay Gandhi (R1 and R2)
Additional Government Pleader
Mr.V.Manisekaran (R3)

O R D E R

This Writ Petition has been filed praying to call for records pertaining to the order made in unnumbered petition of 2015 in ARC No.82 of 2015 dated 21.04.2015 passed by the 1st Respondent and quash the same and further direct the respondents 1 and 2 to permit the petitioners to engage an Advocate in the proceeding in ARC No.82 of 2015.

2. The petitioners are the respondent in ARC. No.82 of 2015. The petitioners have filed an application under Section 67 (2) of the Chit Funds Act 1982, before the first respondent seeking to grant permission to the petitioners to engage an Advocate to represent on behalf of them. The said application was rejected by one line stating "Advocate not allowed". Challenging the same, the present writ petition has been filed.

2. Under Section 67 of the Chit Funds Act, there is no embargo for appearance of lawyer. But, such a clause is applicable if express permission is granted by the first respondent. In this connection, it is useful to extract Section 67 (2) of the Chit Funds Act.

"67 (2). Except with the permission of the Registrar or the nominee, no party shall be represented at the hearing of a dispute by a legal practitioner."

3. Unfortunately, without going through the said provision, the first respondent has mechanically rejected the application filed by the petitioner. What the petitioner asks is to represent his case through a legally trained Advocate. In my opinion, no prejudice will be caused by allowing such a request made by the petitioner.

4. In view of the same, this Writ Petition is allowed and the impugned order dated 21.04.2015 is set aside. The respondent is directed to permit the petitioner to represent his case through a lawyer. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

arr

To

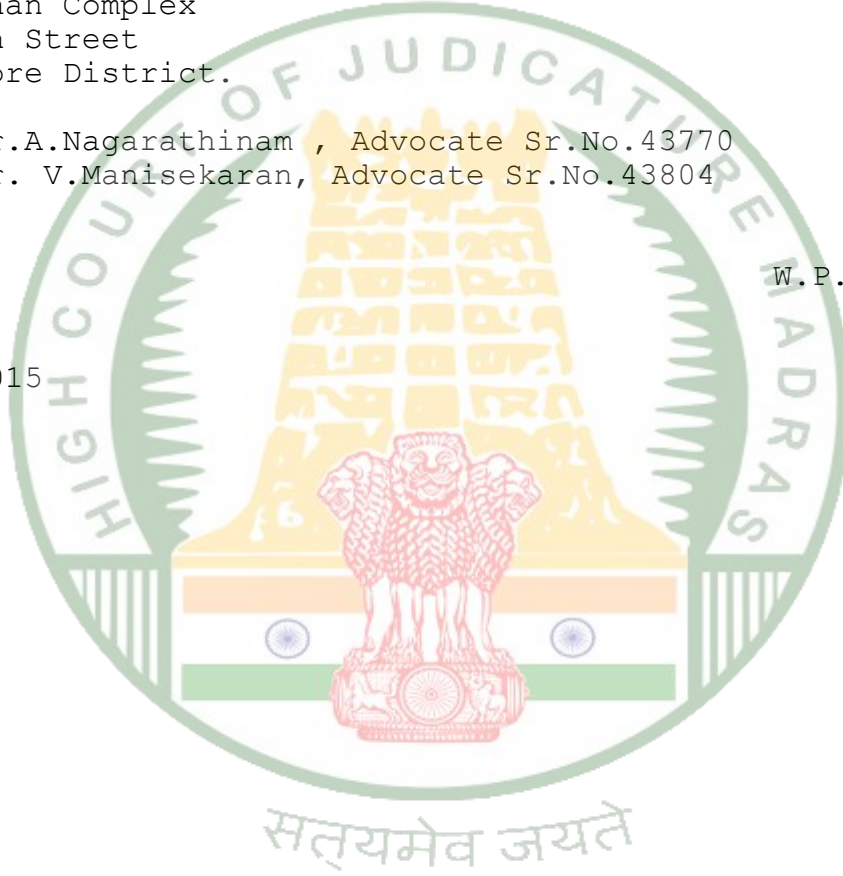
1.The District Registrar of Chits
District Registrar Office
Sharjahan Complex
Lalkhan Street
Chidambaram
Cuddalore District

2.The Deputy Registrar of Chits
District Registrar Office
Chidambaram
Sharjahan Complex
Lalkhan Street
Cuddalore District.

1 cc to Mr.A.Nagarathinam , Advocate Sr.No.43770
1 cc to Mr. V.Manisekaran, Advocate Sr.No.43804

W.P.No.13533 of 2015

kji (co)
pmk.7.9.2015



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