

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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**WRIT PETITION No. 32101 of 2015**

**BETWEEN**

M.Sapthagiri and others

**... PETITIONERS**

**AND**

The State of Telangana, rep. by its Principal Secretary and others

**...RESPONDENTS**

Date of Order pronounced: 01.10.2015

**THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether his Lordship wish to see the Yes/No

fair copy of the Judgment?

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**ORDER:-**

Heard.

2. Petitioner questions the award passed by the Deputy Registrar of Chits and District Registrar, Warangal, respondent No.3, dated 10.04.2015 and the Recovery Certificate issued under Section 71(A) of the Chit Funds Act, 1982 in pursuance thereof. It appears that the fourth respondent in whose favour the said Award was passed has already filed Execution Petition before the Senior Civil Judge, Janagam in E.P.No.19 of 2015 seeking attachment of movables of the petitioner.

3. Learned counsel for the petitioner states that petitioner had no notice of the proceedings in the said award and that award also ignores the fact that the first petitioner, who was the successful subscriber, has already deposited about Rs.80 lakhs subsequent to the application for award. On the ground that the impugned award is violative of the basic requirements, learned counsel seeks that this writ petition is maintainable.

4. I, however, find difficult to accept the contention inasmuch as petitioner has an efficacious alternative remedy of preferring an appeal under Section 70 and when the substantive remedy of appeal is available, there is no reason to entertain the writ petition against the award passed by the third respondent. However, in view of the circumstances mentioned by the learned counsel for the petitioner, petitioner is granted two weeks time within which he shall approach the appellate authority and seek appropriate orders. If such an appeal is presented, the appellate authority shall entertain the appeal, on its own merits, without raising any objection as to limitation.

The appellate authority shall also endeavour to fix an early date of hearing of the appeal in view of the fact that there is a threat for attachment of movables of the petitioner in the execution proceedings already filed and pass appropriate orders in the stay petition proposed to be moved by the petitioner.

With the above direction, writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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VILAS V. AFZULPURKAR, J

October 1, 2015

**LMV**