

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Writ Petition No.23379 of 2015

Between:

Gurajala Venkateswara Rao

... Petitioner

and

The State of Andhra Pradesh,
Rep. by its Principle Secretary,
Revenue, Stamps & Registrations,
Secretariat Buildings, Hyderabad and three others.

... Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 28th July, 2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

- 1 Whether Reporters of Local newspapers may be Yes/No allowed to see the Judgments?
- 2 Whether the copies of judgment may be marked Yes/No to Law Reports/Journals
- 3 Whether Their Ladyship/Lordship wish to see the Yes/No fair copy of the Judgment?

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THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.23379 OF 2015

ORDER:

Petitioner seeks a Writ of Prohibition against the entertainment of Dispute No.3 of 2014 registered with Deputy Registrar of Chits-3rd respondent.

The said claim was instituted by the 4th respondent against the petitioner claiming recovery of Rs.3,95,370/- on the allegation that the petitioner is due to pay the suit amount towards default instalment amounts.

Petitioner states that he was not the defaulter for the first 33 instalments and the claim in the arbitration case is made by the 4th respondent without correctly mentioning the number of instalments and without giving necessary particulars. Therefore, he seeks a writ of prohibition on the ground that Deputy Registrar while registering the complaint ought to have examined and satisfied himself of the compliance as stipulated under Rule 55 of the A.P. Chit Fund Rules, 2008. On account of non-verification thereof, an erroneous claim is registered as a dispute and petitioner is called upon to defend.

Assuming for a moment that the contention of the petitioner and grounds urged by him are justified, I do not see how such a ground can be looked into for the purpose of issuing a Writ of Prohibition against the statutory claim of 4th respondent numbered before the 3rd respondent. The said arbitration dispute arising out of a chit transaction is required to be adjudicated by the 3rd respondent in accordance with law, after considering the counter/written statement filed by the petitioner and other respondents.

Obviously, the claim is registered merely on the allegation of 4th respondent as the claimant, it is for the petitioner and other respondents to contest the same and if the Deputy Registrar agrees with the contention of the petitioner, the ultimate award will not be for the amount as prayed by the

claimant and it would be for claim, if any, established by respondent No.4. However, these are all matters to be agitated before the 3rd respondent. Since there is no inherent lack of jurisdiction in entertaining the dispute by the 3rd respondent, the relief as sought for in the writ petition cannot be granted.

Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending if any, shall stand dismissed.

VILAS V. AFZULPURKAR, J

28th July, 2015.

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