

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**AND**

**THE HON'BLR SRI JUSTICE M.SATYANARAYANA MURTHY**

CIVIL REVISION PETITION NO.1386 OF 2015

**ORDER:** {Per the Hon'ble Sri Justice Ramesh Ranganathan}

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the Deputy Registrar of Chits, Hyderabad in A.B.R./C.F.No.283 of 2013 dated 22.05.2014.

The respondent herein filed an application in A.B.R./C.F.No.283 of 2013 seeking an award to be passed under Section 69 of the Chit Fund Act, 1982 ("the Act" for brevity) for recovery of Rs.2,30,350/- along with interest at 18% per annum on the principal amount from 23.04.2013 till the date of realisation. By the award dated 22.05.2014, the Deputy Registrar directed the petitioners herein, jointly and severally, to pay the said amount. On the ground that they had failed to comply with the award, an order in E.P.No.312 of 2014 in A.B.R./C.F.No.283 of 2013 dated 06.08.2014 was passed directing attachment of the salary of the petitioners herein.

Sri K.Venumadhav, learned counsel for the petitioners, would submit that no notices were served on the petitioners; an *ex parte* award was passed; it is only on E.P. being filed did they come to know of the award being passed; they had, thereafter, approached the Deputy Registrar; and it is only, thereafter, have they invoked the jurisdiction of this Court. Sri Maheswara Rao Kuncham, learned counsel for the respondents, would submit that, as the petitioners herein were not available at the addresses mentioned, notices could not be served; notice was effected through substitute service by causing publication in the newspapers; and it is only, thereafter, was an award passed.

With a view to give a quietus to this dispute and, as the petitioners are now represented by counsel before this Court, we consider it appropriate to set aside the *ex parte* award passed on 22.05.2014 on condition that the petitioners appear either in person or through their counsel before the Deputy Registrar on 23.04.2015. On such appearance, the Deputy Registrar shall hear both sides and pass an award

afresh in accordance with law. In case the petitioners do not appear either in person or through counsel before the Deputy Registrar on 23.04.2015, it is open to the Deputy Registrar to pass an award afresh in accordance with law. In any event the award shall be passed afresh within four (4) months from today.

Subject to the above observations, the award of the Deputy Registrar in A.B.R./C.F.No.283 of 2013 dated 22.05.2015 is set aside and the Civil Revision Petition is, accordingly, disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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**(RAMESH RANGANATHAN, J)**

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**(M.SATYANARAYANA MURTHY, J)**

13<sup>th</sup> April 2015

**Note:** Issue CC by three days

B/O

RRB