

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.40865 OF 2015

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue and Sri P. Durga Prasad, learned counsel for respondent No.3.

An award, dated 09.06.2015, was passed in favour of the 3rd respondent by the Deputy Registrar of Chits, Narsaraopet, Guntur District, the 2nd respondent, in Dispute No.49 of 2013. The petitioners herein are respondents 1 and 7 therein. The petitioners state that against the said award, a right of appeal is provided under Section 70 of the Chit Funds Act, 1982 (for short, 'the Act'). However, the said award was communicated to the petitioners only on 06.12.2015 and the petitioners now state that they would file appropriate appeal. The present Writ Petition is filed on account of the Execution Petition filed by the decree holder in E.P.No.185 of 2015 before the Principal Senior Civil Judge, Narsaraopet, to execute the said award.

It is open for the petitioners to question the award by way of appropriate appeal under the Act and the correctness or otherwise of the award cannot be gone into in these proceedings. So far as the Execution Petition referred to above is concerned, it is evident therefrom that the 1st respondent has sought attachment of salaries against judgment debtors 3, 4 and 6 under Order XXI Rule 48 C.P.C. and at present no relief is claimed against the petitioners.

Hence, to enable the petitioners to approach the appellate authority and seek appropriate further orders, they are granted two

weeks time from today within which they shall approach the appellate authority and seek interim relief, and for a period of two weeks, the 3rd respondent shall not proceed against the petitioners in execution proceedings to execute the said award.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

17.12.2015

Note:- Issue C.C. by 21.12.2015.

(B/o)

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