

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

CIVIL REVISION PETITION No. 2978 of 2016

Date: 22.08.2016

Between:

Bhannaravuri Venkata Siva Prasad,
Guntur District.

.. Petitioner

and

Gouthami Finance & Chits (P) Ltd.,
Tenali, rep. by its Managing Director-cum-
Foreman, PSS Prasad, Donge Street,
Ithanagar, Tenali, Guntur District, and others.

.. Respondents

Counsel for the petitioner: Mr. N. Srihari

**Counsel for respondents : Ms. Nimmagadda Revathi
For Mr. Nimmagadda Satyanarayana**

The Court made the following:

ORDER: *(Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This revision petition arises out of order dated 23.04.2016 in E.P.No.26 of 2015 in Dispute No.33 of 2012 on the file of the Principal Senior Civil Judge, Tenali.

Mr. N. Srihari, learned counsel for the petitioner submitted that under the Arbitration and Conciliation Act, 1996, the principal Court of civil jurisdiction in the district alone has jurisdiction to entertain the Execution Petition arising out of an arbitration award and that therefore, the Principal Senior Civil Judge, Tenali, was denuded of the jurisdiction to entertain E.P.No.26 of 2015.

We are afraid. We cannot accept this submission. The arbitration award was passed under Section 69 of the Chit Funds Act, 1982 (for short 'the Act'). Under Section 71 thereof, the certificate issued by the Registrar shall be deemed to be the decree of a civil court, and the same shall be executed in the same manner as a decree of such court.

Learned counsel for the petitioner has not disputed that the lower Court has jurisdiction to entertain the E.P in a case of ordinary decree of a Civil Court. Therefore, the learned Principal Senior Civil Judge, Tenali, is vested with the jurisdiction to entertain the E.P in the present case. In the light of this position of law, the learned counsel for the petitioner requested for permission of this Court to the petitioner to avail the remedy of appeal under Section 70 of the Act.

Accordingly, while dismissing this revision petition, the petitioner is left with the liberty to file an appeal under Section 70 of the Act subject to limitation.

As a sequel, CRPMP.No.3799 of 2016, filed by the petitioner for interim relief stands disposed of as infructuous.

(C.V.NAGARJUNA REDDY, J)

(G. SHYAM PRASAD, J)

Date: 22.08.2016
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