

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

C.R.P. No.3742 of 2016

05.08.2016

Between:

Pamu Venkateshwarlu and another

..Petitioners

And

Kapil Chits (Kakatiya) Private Limited,
Karimnagar and others

..Respondents

Counsel for the petitioners: Mr.N.Hari Prasad

Counsel for the respondents: --

The Court made the following:

-

-

-

-

-

-

-

-

-

-

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

This civil revision petition arises out of the order, dated 28.11.2015, in E.P.No.127 of 2015 in A.R.B.No.331 of 2014 on the file of the learned Senior Civil Judge, Karimnagar.

2. We have heard Mr.N.Hari Prasad, learned counsel for the petitioners, and perused the record.

3. The petitioners along with respondent Nos.3 and 4 stood as guarantors for the amount withdrawn by respondent No.2 from respondent No.1, under a chit. As respondent No.2 committed default in payment of the amount received by him, respondent No.1 got the dispute referred to an Arbitrator under the Chit Funds Act, 1982 (for short 'the Act'). The Arbitrator passed an award on 25.11.2014 against respondent No.2 as well as all the guarantors including the petitioners. Along with the award, the Arbitrator issued recovery certificate of even date under Section 71(a) of the Act, for recovery of Rs.3,33,343/- towards principal amount along with interest at the rate of 18% p.a. and also costs of Rs.9,770/-. As the principal borrower as well as the guarantors failed to repay the said amount, respondent No.1 filed the aforementioned E.P. By the aforesaid order, dated 28.11.2015, the learned Senior Civil Judge, Karimnagar, directed the Mandal Educational Officer, Beemadevarapally, Karimnagar, who is the salary drawing officer of the petitioners to withhold the amounts in terms of Section 60 C.P.C. from their monthly salaries and remit the same to the Court to the extent of Rs.1,46,580/-.

4. The learned counsel for the petitioners has submitted that the award was illegal as the same was passed without notice to the petitioners.

5. We are afraid, this Court, while exercising the revisional jurisdiction in respect of the execution proceedings, would not go

behind the award, in order to adjudicate its legality or otherwise. The learned counsel for the petitioners has submitted that an appeal was filed under the Act and that the same is not yet numbered. On the facts of this case, we are of the opinion that the petitioners are left with two alternative remedies *viz.*, (i) to pursue the appeal and seek stay of the award or (ii) to approach the execution Court and seek vacation/modification of the order under revision.

6. In the aforementioned facts of the case and for the reasons mentioned above, we do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed subject to the observations made hereinbefore.

7. As a sequel to dismissal of the C.R.P., C.R.P.M.P.No.4828 of 2016 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

05th August, 2016

GHN