

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

CIVIL REVISION PETITION No.6198 of 2016

ORDER : (per Hon'ble Sri Justice Sanjay Kumar)

M/s. Shriram Chits Private Limited, Visakhapatnam, filed E.P.No.75 of 2015 in Dispute No.121 of 2014 on the file of the Principal Senior Civil Judge, Visakhapatnam, seeking execution of the Award dated 12.02.2015 passed in the said dispute. By order dated 23.12.2015 in E.P.No.75 of 2015, the Executing Court held that in the light of the judgment rendered by a Division Bench of this Court in POTLABATHUNI SRIKANTH vs. SHRIRAM CITY UNION FINANCE LTD., AND ANOTHER¹, the E.P. was not maintainable before the said Court and accordingly dismissed it, giving liberty to the decree holder to invoke the jurisdiction of the proper Court. Aggrieved thereby, M/s. Shriram Chits Private Limited, Visakhapatnam, is before this Court by way of this Revision filed under Section 115 of C.P.C.

2. Notice having been ordered, the envelopes sent to respondent Nos.2 to 5 were returned with an endorsement "unclaimed", which amounts to deemed service. Despite service of notice, respondent No.1 did not choose to enter appearance before this Court.

¹ 2016 (2) ALD 10 (DB)

3. Sri Kuncham Maheswara Rao, learned counsel for the petitioner, would state that the understanding of the Executing Court that the decision rendered by this Court in POTLABATHUNI SRIKANTH's case (1 supra) has application to the Execution Petition is incorrect, in the light of the later decision rendered by a Division Bench of this Court in M/s. SHRIRAM CHITS PRIVATE LIMITED vs. B. DURGAPRASAD RAO AND OTHERS². A copy of the said order is placed before us.

4. Perusal thereof reflects that this Court specifically looked into the applicability of the earlier decision in POTLABATHUNI SRIKANTH's case (1 supra) to an execution of an Award passed under the Chit Funds Act, 1982 (for brevity "the Act") and held that the said decision has no application in view of the fact that Section 71 of the Act provides for execution of the Recovery Certificates issued by the Registrar basing on the Award passed under the said Act, treating it as a decree of a Civil Court.

5. In that view of the matter, an Award passed under the Act need not be executed on par with an Award passed under the Arbitration and Conciliation Act, 1996. Therefore, the Executing Court i.e., the learned Principal Senior Civil Judge, Visakhapatnam, had jurisdiction to entertain E.P.No.75 of 2015.

² C.R.P.No.4549 of 2016, dated 20.09.2016

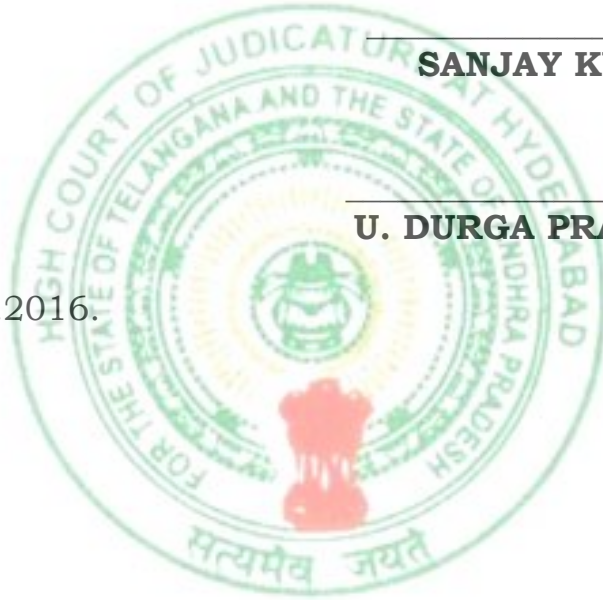
6. The order under revision is accordingly set aside and E.P.No.75 of 2015 is restored to the file of the learned Principal Senior Civil Judge, Visakhapatnam, for adjudication and disposal in accordance with law.

7. The Civil Revision Petition is accordingly allowed. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

SANJAY KUMAR, J

U. DURGA PRASAD RAO, J

Date: 20.12.2016.
Msr



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