

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION NO.651 OF 2016

ORDER:

The E.P. presented by the revision petitioner before the Junior Civil Judge, Gajuwaka, Visakhapatnam District was returned by order dated 23.11.2015 in terms of the order passed by this Court in **Bhoomatha Para Boiled Rice and Oil Mill, pre., by its Proprietor, Billa Prabhakar Reddy v. Maheswari Trading Company rep., by its Proprietor Patha Hanumadlu**: 2010(1) ALT 808 on the ground that the said judgment was binding on the subordinate judiciary until and unless it was overruled by a higher fora.

The order of **Bhoomatha Para Boiled Rice and Oil Mill**¹, arose under the Arbitration and Conciliation Act, 1996. The Court below failed to notice that, under Section 71(a) of the Chit Funds Act, every order passed by the Registrar or the nominee under Section 68 or Section 69, and every order passed by the State Government in appeal under Section 70 for payment of any money, shall, if not carried out, on a certificate issued by the Registrar, be deemed to be a decree of a Civil Court, and shall be executed in the same manner as a decree of such Court. All that Section 71(a) stipulates is that the certificate issued by the Registrar shall be executed by the Civil Court in the same manner as a decree. The said provision does not fetter exercise of jurisdiction by the Court below nor does it stipulate that an application, for execution of the decree, can only be filed before the District Court. The order under revision is set aside. The Court below shall entertain the E.P, and pass orders thereupon, in accordance with law. The Civil Revision petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, J

Date: 12.02.2016.

MRKR

