

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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

Civil Revision Petition No.279 of 2016

Dated 29<sup>th</sup> August, 2016

Between:

M/s. Margadarsi Chit Fund Private Limited

.....Petitioner

And

K.Gopi and others

.....Respondents

Counsel for the petitioner: Sri P.Durga Prasad

Counsel for the Respondents: ---

The Court made the following:



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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

Civil Revision Petition No.279 of 2016

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

This civil revision petition is filed against order, dated 24.04.2015, in E.P.No.57 of 2015 in ABR/CF/No.245 of 2013, on the file of the learned VIII Additional Junior Civil Judge, City Civil Court, Hyderabad.

Though notices were served on respondent Nos.1 and 4, they have not entered appearance. Respondent No.2 refused notice and hence, he is deemed to have been served. The petitioner has given up respondent No.3. The petitioner obtained an award for recovery of money against respondent No.1, who is the principal borrower and respondent Nos.2 to 4 who are the guarantors. Based on the said award, Recovery Certificate was issued by the Arbitrator under the Chit Funds Act, 1982. For execution of the said Certificate, the petitioner filed E.P.No.57 of 2015. By the order under revision, the lower Court while issuing warrant to respondent Nos.1, 2 and 4, apportioned the liability of each respondent at Rs.98,290/-.

In our opinion, when the liability is joint and several, the same cannot be apportioned by the Court on its own. CRP.No.436 of 2016 filed against a similar order was allowed by a Division Bench of this Court by order, dated 18.04.2016.

In the aforementioned facts and law discussed above, the order of the lower Court to the extent it has apportioned the liability

of respondent Nos.1, 2 and 4 is set aside while confirming remaining part of the order.

The civil revision petition is accordingly allowed in-part.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

29<sup>th</sup> August, 2016  
VGB

