

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.5847 OF 2016

ORDER:

Present Civil Revision Petition is preferred to set aside the award and recovery certificate passed in A.R.B. No.768 of 2014.

2. Along with the revision petition, material papers are also filed, and execution petition finds place at page No.17 numbered as E.P. No.87 of 2016 in A.R.B. No.768 of 2014 on the file of the Principal Senior Civil Judge, Mancheri, Adilabad District. The revision petitioners are Judgment Debtor Nos.2 to 4 in the said E.P.

3. Heard Sri Chinnolla Naresh Reddy, learned counsel, assisting Sri N. Indrasena Reddy, learned counsel appearing for the revision petitioner, and Sri Maheswara Rao Kunccheam, learned counsel for respondent No.1 - Decree-holder. Respondent No.2 is the principal borrower to whom the revision petitioners stood as guarantors for obtaining chit amount in respondent No.1's company.

4. The learned counsel for the revision petitioners would submit that apprehending that warrant of attachment of salaries would be issued by the Executing Court the present revision petition is filed. In fact, as mentioned in the above, the very passing of recovery certificate itself remained unchallenged.

5. The learned counsel for respondent No.1 referring to Section 70 of the Chit Fund Act, 1982 (Central Act), would submit that appeal lies against the decision of the Registrar or Nominee made under Section 69 of the Act within two (2) months from the date of order or award to the State Government. The learned counsel also would submit that the Principal Secretary, Stamps and Registration is the Appellate Authority to decide the appeals constituted for that purpose.

6. In such an event, certainly, the present revision petition is not maintainable on the mere ground that no notice was served on them. It is open to the revision petitioner to resist the execution proceedings if they have any merit in their favour or other remedy available under the Chit Fund Act for redressal of their grievance projected in the present revision.

7. There is no merit in the revision and, accordingly, the same is dismissed at the admission stage itself. This order would not preclude the revision petitioners to avail the remedy in accordance with law before appropriate Forum. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the revision petition, stand disposed of.

A. SHANKAR NARAYANA, J

December 02, 2016.

Note: Furnish C.C. of this order by 05-12-2016
(B/O.Mgr)