

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.2739 of 2017

ORDER:

Aggrieved by a notice of attachment issued under Section 68 (2) of the Chief Funds Act, 1982 (wrongly typed as under Section 88 (2) of the Act), the subscriber to a chit, who took the prize money, has come up with the above revision.

2. Heard Mr. Bandi Veeranjanyulu, learned counsel for the revision petitioner.

3. It is seen from the impugned order that it was passed on the premise that the petitioner was duly served with conditional attachment notice and that the petitioner refused to receive the notice and failed to appear before the Deputy Registrar of Chits. According to the learned counsel for the petitioner, the main Arbitration O.P. is pending before the Deputy Registrar and that the petitioner is regularly appearing in the main O.P. and that he never had any notices of application for attachment.

4. If what is stated by the learned counsel for the petitioner is true, he must file an application before the very same Deputy Registrar pointing out the above and invite a finding upon these facts. In other words, since the impugned order has been passed *ex parte* (with or without notice), the petitioner should file an application first for vacating the order before he can come up before this Court or any other forum.

Therefore, with the above liberty, the Civil Revision Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 16-06-2017

Ksn

