

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.3314 of 2017

O R D E R

This civil revision petition was filed by the third judgment-debtor in E.P.No.113 of 2016 on the file of the learned IX Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar. The ground of challenge is that the said Court exceeded its jurisdiction in entertaining the execution petition directly filed by the claimant-M/s. Shriram Chits Private Limited.

Reliance is placed upon the Division Bench judgment dated 14.03.2017 passed by this Court in C.R.P.Nos.5236, 5741 and 5753 of 2016, wherein this Court held that the course that has to be followed by a decree-holder under the Chit Funds Act, 1982 (for short, 'the Act of 1982'), is to make a representation to the Registrar for execution, which would then be forwarded to the proper authority at the option of the decree-holder by issuance of a certificate.

In that view of the matter, the Executing Court cannot straight away entertain the execution petition filed by the decree-holder under the Act of 1982.

The civil revision petition is accordingly allowed holding that E.P.No.113 of 2016 was not maintainable as filed. The first respondent/claimant is at liberty to move an appropriate application before the Registrar concerned. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

DATED:11.08.2017
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