

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10812 OF 2017

ORDER

The case of the petitioners is that they have filed application in I.A.No.24 of 2014 under Section 5 of Limitation Act to condone the delay of 30 days in filing application under Order IX Rule 13 CPC to set aside the exparte Award dated 09.06.2014 before the 2nd respondent and the same is not being disposed of so far. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioners.

Sri P.Durga Prasad, learned counsel for the 3rd respondent submits that as per Civil Procedure Code (CPC) Order IX Rule 13 has no application to the proceedings under Chit Funds Act, 1982 and there is no such provision specifically confirming jurisdiction on the 2nd respondent under Order IX Rule 13. He also relied on judgment dated 16.04.2009 in C.R.P (NPD) No.907 of 2009 of High Court at Madras, wherein the High Court allowed the CRP directing the Deputy Registrar to restore the interlocutory application and dispose it of by giving opportunity to the revision petitioner therein. A copy of the said order in CRP (NPD) is placed on record.

In view of the above, the 2nd respondent is directed to dispose of the application in I.A.No.24 of 2014 in accordance with law, after giving an opportunity of hearing to the petitioners as well as the 3rd respondent, after considering the objections raised by the 3rd respondent.

With the above direction, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 04.04.2017
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