

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.1789 of 2012

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the order dated 25.11.2011 passed in O.S.S.R No.1465 of 2011 by the learned Junior Civil Judge-cum-VII Metropolitan Magistrate, Cyberabad, Ranga Reddy District at Hayathnagar returning the plaint by exercising its jurisdiction under Order VII Rule 10 C.P.C for presentation before appropriate authority.

2. Heard the learned counsel for the petitioner.

3. The petitioner/ plaintiff filed the suit for recovery of Rs.88,048/- based on chit agreement dated 17.04.2008 and whereas the Chit Funds Act, 1982 came into force w.e.f., 15.09.2008, therefore, the provisions of the A.P. Chit Funds Act alone are applicable and the issue is squarely covered in C.R.P. No.2947 of 2012 between M/s.Shriram Chits (P) Ltd., and M.A.Saber and four others and this Court also decided the said issue in *J.Rama Krishna vs Shriram Chits Pvt. Ltd.*,¹.

4. Since the issue in this revision is squarely covered by the two judgments of this Court, the issue is no more res-integra and the order passed by the Junior Civil Judge is erroneous and the Court below failed to exercise jurisdiction conferred on it. In such a case,

¹ 2013 (5) ALD 656

this Court while exercising the jurisdiction under Article 227 of the Constitution of India, can set-aside the order.

5. Hence, the revision is allowed directing the learned Junior Civil Judge-cum-VII Metropolitan Magistrate, Cyberabad, Ranga Reddy District at Hayathnagar to register the plaint as suit, if it is otherwise in number, immediately on receipt of copy of the order. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in this revision shall stand closed.

Date:05.06.2017
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M.SATYANARAYANA MURTHY,J



THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2157 of 2012



Date:05.06.2017

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