

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE MRS. JUSTICE ANI S

CIVIL REVISION PETITION No.2301 of 2016

23.01.2017

Between:

M/s.Margadarsi Chit Fund Private Limited, Secunderabad

..Petitioner

And

R.Vasanth Kumar and others

..Respondents

Counsel for the petitioner: Mr.Koppula Gopal
for Mr.P.Durga Prasad

Counsel for the respondents: None appeared

The Court made the following:



ORDER:

This civil revision petition arises out of the docket order, dated 24.04.2015, in E.P.No.77 of 2015 in ABR/CF No.92 of 2013 on the file of VIII Junior Civil Judge, City Civil Court, Hyderabad.

2. The petitioner has not pressed the revision against respondent Nos. 1 and 2. Notices sent to respondent Nos.3 and 4 have been returned with the endorsement "left", which shall be understood as the deemed service.

3. We have heard Mr.Koppula Gopal, learned counsel representing Mr.P.Durga Prasad, learned counsel for the petitioner, and perused the record.

4. The petitioner obtained award for recovery of money, *vide* recovery certificate, dated 26.11.2014, in ABR/CF No.92 of 2013, from the Deputy Registrar of Chits-cum-Arbitrator, Erragadda at Hyderabad (South), against all the respondents herein with joint and several liability. Seeking execution of the said award, the petitioner filed E.P.No.77 of 2015. Learned VIII Junior Civil Judge, by his docket order, dated 24.04.2015, apportioned the award amount between respondent Nos.3 and 4 at Rs.30,859/- each. Feeling aggrieved by this order, the petitioner filed the revision.

5. The learned counsel for the petitioner has placed before us, a Division Bench order, dated 18.04.2016, in C.R.P.No.436 of 2016, whereunder this Court has set aside the similar order under revision, holding that in a case where an award is passed with joint and several liability, the Court has no jurisdiction to apportion the liability among the judgment debtors. Another Division Bench, of which one of us (CVNR,J)

is a party, has taken a similar view in C.R.P.No.279 of 2016, *vide* its order, dated 29.08.2016.

6. In the light of the above legal position, the order under revision is not sustainable and the same is, accordingly, set aside. The lower Court is directed to proceed with the execution in E.P.No.77 of 2015 in ABR/CF No.92 of 2013, by treating all the judgment debtors as having joint and severally liability.

7. The Civil Revision Petition is, accordingly, allowed.

C.V.NAGARJUNA REDDY,J

ANI S,J

23rd January, 2017
GHN

