

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.2427 OF 2017

DATED : 08.06.2017

Between :

Sri M.Veera Swamy S/o.Buchiramulu,
Aged about 40 yrs, Occu : SGT,
O/o.UPS, Matwada, Gudur Mandal,
Warangal District.
R/o.Matwada Village, Gudur Mandal,
Warangal District & others.

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Petitioners

And

Kapil Chits (Kakatiya) Pvt. Ltd.,
Rep., by its Asst. Divisional Manager,
G.Rajaiah S/o.Gopaiah,
Aged about 57 yrs, R/o.Hanamkonda & others.

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Respondents



This court made the following :

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ORDER :

The Chit-Fund company instituted Arbitration case in AA/CF/No.179 of 2012 on the file of Deputy Registrar of Chits, Warangal.

2. The Deputy Registrar passed award on 04.09.2013, which reads as under :

“In exercise of powers conferred under section 69 of the Chit Fund Act, 1982, I do hereby order that in view of above disputant is found entitled to recover Rs.2,88,885/- with interest @ 18% P.A on the principal amount of Rs.2,38,096/- from the date of filing of the dispute till the date of realization. Any other payment made shall be adjusted in aforesaid quantified entitled amount. The suit is accordingly, decreed in favour of disputant and against the respondents/opponents. Cost of the dispute is Rs.8,885/- is also awarded.

The disputant shall recover the amount by sale of movable and immovable properties or attachment of salaries or by any other mode of execution as per law”.

3. Seeking execution of the same, the chit fund company filed E.P.No.297 of 2014. By order dated 28.04.2016 the I-Additional Senior Civil Judge, Warangal, directed attachment of salaries of the petitioners until the amount is recovered. Challenging the same, this civil revision petition is filed.

4. As seen from the order extracted above, the direction issued by the I-Additional Senior Civil Judge, is in compliance of the said award. Petitioners are bound by the said Award. As fairly submitted by learned counsel for the petitioners, so far the award

has not been challenged and it has become final. Thus, I do not see any error in the order passed.

5. Learned counsel for the petitioners sought to contend that no steps were taken to recover from the original member of the chit who defaulted in payment of chit amount and straight away proceeded against the guarantors.

6. As seen from extracted portion of the award, the Award binds all the parties to the award including the petitioners herein. It is open for the chit fund company to recover the amount quantified from any of the respondents. Therefore, on that ground it cannot be said that the order under challenge is vitiated.

7. Civil Revision Petition is accordingly dismissed. It is needless to observe that this order would not come in the way, if so advised, to challenge the award, if otherwise permissible in law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Revision shall stand closed.

8th June, 2017
Rds

P.NAVEEN RAO,J