

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10535 OF 2018

DATED :02.04.2018

Between :

Mr.J.G.Shiva Kumar S/o.J.B.Govind,
Aged about 38 yrs, Occu : Proprietor,
M/s.Sri Govind Digital Colour Lab,
Chikkadpally,
Hyderabad, R/o.H.No.3-6-143/1,
Near Ram Murthy Nagar, Himayathnagar,
Hyderabad

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary/Appellate Authority,
Revenue Department,
Secretariat, Hyderabad, T.S. & others.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10535 OF 2018

ORDER :

Heard learned counsel for the petitioner and learned Government pleader for Revenue (TG).

2. Petitioner was a member of chit conducted by the 3rd respondent-Chit Fund Company. As he defaulted in payment of chit amount, arbitration proceedings were taken out successfully by the 3rd respondent. Arbitrator passed award on 29.08.2016. Aggrieved by the Award passed, petitioner preferred appeal on 30.12.2017, received by the appellate authority on 06.01.2018. Notices were ordered in the appeal and matter is pending consideration by the appellate authority.

3. While so, the respondent-chit fund company filed E.P.No.17 of 2018 in the Court of I Senior Civil Judge, City Civil Court, Hyderabad seeking execution of the Award passed by the Arbitrator.

4. This writ petition is filed alleging that even before appeal is considered, execution petition proceedings are set in motion and in the event the execution proceedings are ordered, grave prejudice would be caused to the petitioner.

5. The execution proceedings are not under challenge in this writ petition. Therefore, the Court is not inclined to go into the maintainability of execution petition, filing of execution petition while appeal is pending or any order that may be passed by the execution court. It is for the petitioner to work out his remedies as available in law.

6. The issue in this writ petition is confined only to dispose of the appeal pending before the appellate authority. As seen from the material on record, though Award is passed on 29.08.2016, appeal was preferred on 30.12.2017 which was received on 06.01.2018. It cannot be said that there is inordinate delay in disposing of the appeal by the appellate authority.

7. However, having regard to the fact that the execution proceedings are already set in motion, the appellate authority is directed to consider the appeal and pass appropriate orders as warranted by law, after affording due opportunity to the petitioner and the 1st respondent before him, as expeditiously as possible, preferably within a period of six (6) weeks from the date of receipt of copy of this order.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

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

2nd April, 2018

Note : Issue C.C in one week

B/o.
Rds

P.NAVEEN RAO,J