

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CIVIL REVISION PETITION No.226 of 2014

ORDER:

This civil revision petition is filed questioning the order, dated 11.11.2013, passed in un-numbered O.S. in CFR No.1041 of 2010, on the file of the Junior Civil Judge, Adilabad.

The suit pertains to a chit fund transaction. When the suit was presented on 01.09.2012, the court took an objection that the civil court does not have jurisdiction for adjudicating of the matter. The matter was re-presented, and again the court directed the return of the plaint for presentation before appropriate court, having jurisdiction. Hence, the revision petition.

This court has heard Sri K.Maheswararao, learned counsel for the petitioner/plaintiff.

Learned counsel for the petitioner submits that the bye-laws of the plaintiff's chit fund company vide Bye-laws No.187/2008-09 was registered on 30.08.2008 before the Registrar of Chits, Adilabad. Therefore, the contention of the learned counsel is that as bye-laws are registered prior to the commencement of the Chit Funds Acts (Central Act), which came into force on 15.09.2008, and as such, the civil court has jurisdiction to entertain the suit.

The learned counsel draws attention of this court to a judgment of this court in *Shriram Chits (P) Ltd. v. M.A.Saber*¹ wherein in similar circumstances, the learned single Judge of this court held that in spite of repeal of State Chit Fund Act, since the petitioner chit was registered prior

¹ 2013 (1) ALT 182

to commencement of the Central Act, the court below ought not to have declined to number the suit. The learned single Judge referred to Section 90 of the Central Act and Section 6 of the General Clauses Act to come to such a conclusion.

This court is of the opinion that the decision in *Shriram Chits (P) Ltd.* case (1 supra) squarely applies to the facts and circumstances of the instant case.

Therefore, the civil revision petition is allowed. The lower court is directed to number the suit, if it is otherwise in order. In the circumstances, there shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 13.11.2018
Dsr

D.V.S.S.SOMAYAJULU,J

