

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

C.R.P.No.4009 of 2018

ORDER:

Despite service of notice, there is no appearance on behalf of the Respondents.

2. An Execution Petition filed by the petitioner herein under Rule 141(2) of Civil Rules of Practice read with Order XXI Rule 11 of CPC seeking execution of Award passed under the provisions of Chit Funds Act, 1982 was returned by the Court of Senior Civil Judge, Karimnagar by following the judgment rendered by this Court in *Punyamurthula Venkata Viswa Sundara Rao v. Margadarsi Chit Fund Pvt. Ltd., Hyderabad and others*¹.

3. Today, when the matter is taken up, the learned counsel for the petitioner has placed on record the order passed in C.R.P.No.2338 of 2018 dated 5.11.2018, wherein the Division Bench of this Court while considering the earlier Division Bench judgment in *Punyamurthula's* case, declined to accept the contention raised by the petitioner therein basing on the judgment of this Court in *Punyamurthulu's* case.

4. In view of the law laid down in the later judgment, the very return of E.P. cannot be sustained.

5. Accordingly, the C.R.P. is allowed, setting aside the order dated 26.2.2018 returning the E.P. and consequently the E.P. filed by the petitioner herein shall be received by the Court below for consideration of the issue on merits and to pass appropriate orders as per law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 16.11.2018
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¹ 2017(3) ALD 387 (DB)



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