

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P.NO.4940 OF 2017

ORDER

The learned counsel for the petitioners submit that the 1st respondent herein – M/s Shriram Chits (P) Limited, which is the decree holder in arbitration case in ARC.No.19 of 2013 on the file of Deputy Registrar of Chits / Arbitrator, Eluru, West Godavari, filed execution petition directly before the court of Senior Civil Judge, at Bhimavaram for execution in E.P.No.43 of 2017 in ARC.No.19 of 2013, without following the procedure contemplated under Section 71 of Chit Fund Act, 1982. He would further submit that as per the said provision, execution petition in the civil court is only through the Registrar, who shall forward the application for execution to the proper authority along with a certificate issued by him under Section 71 of the Act. He states that Section 71 of the Act confers the status of a decree of a civil court, on the certificate issued by the Registrar. The learned counsel submits that in the instant case, as the 1st respondent directly filed execution petition before the court below without following the procedure under Section 71 of the said Act, the same ought not have been entertained. In support of his submission, the learned counsel for the petitioners relied on the judgment of a Division Bench of this court in ***PUNYAMUTHULA VENKATA VISWA vs. M/S MARGADARSI CHIT FUND PRIVATE LTD.***¹

The learned counsel for the 1st respondent, could not dispute the above submissions of the learned counsel for the petitioners.

¹ CRP.Nos.5236 OF 2016 and batch dated 14-03-2017

In view of the above facts and circumstances and the judgment of the Division Bench of this court, the execution petition entertained by the court below, shall be returned for compliance of the procedure contemplated under Section 71 of the Act.

With the above direction, the revision is allowed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:09—02—2018

AVS

