

***IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

*** HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND**

*** HON'BLE MS. JUSTICE J. UMA DEVI**

+Civil Revision Petition No.6029 of 2018

Date: 05-11-2018

#Between:

M/s. Sri Nilaya Chit Fund Ltd., represented by its
Foreman/Legal Manager, P. Narsireddy, S/o P. Anji
Reddy, aged 34 years, Ameerpet Branch, Hyderabad

... Petitioner

And

Shaik Mohammed Sadiq, S/o Sk. Abdul Gani,
Aged about 45 years, R/o H.No.19-3-300/17,
Vattapally, Jahanuma Road, Bahadurpura,
Hyderabad and 4 others

... Respondents

! Counsel for the Petitioner : Mr. Ghantasala Udaya Bhaskar

^ Counsel for 1st Respondent : Mr.

<GIST:

> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Civil Revision Petition No.6029 of 2018

ORDER: *(per V. Ramasubramanian,J)*

Aggrieved by the return of an Execution Petition ordered by the Executing Court, with a direction to forward the same along with the certificate of recovery issued by the Registrar, a Chit Company/deGREE holder has come up with the above revision.

2. Heard Mr. Ghantasala Udaya Bhaskar, learned counsel for the revision petitioner.

3. On the basis of an arbitral award passed on 03-10-2016 by the Deputy Registrar of Chits, the petitioner filed an application for execution in EPSR No.5888 of 2018 in ABR/CF.No.190 of 2016. The same was returned by the Executing Court on the ground that unless a certificate of recovery is issued by the Registrar of Chits under Rule 55 (3) of the Chit Fund Rules, 2008 read with Section 71 of the Chit Funds Act, 1982, no execution was maintainable. This view was taken by the Executing Court on the basis of a judgment of a Division Bench of this Court in **Punyamurthula Venkata Viswa Sundara Rao v. Margadarsi Chit Fund Pvt. Ltd., Hyderabad and others¹**.

4. But by a detailed order rendered in C.R.P.No.2338 of 2018, we have held that in view of the definition of the word "Registrar" in

¹ 2017 (3) ALD 387 (DB)

Section 2 (o) of the Act and the distinction between delegation under Section 61 (1) and nomination under Section 66 (1), the Deputy Registrar was competent to issue a certificate, provided there was a Gazette Notification. The Gazette Notifications of the States of Telangana and the Andhra Pradesh have been placed before us. Therefore, the Executing Court was wrong in returning the execution application without even numbering the same.

5. Since the Execution Application was returned without even numbering, notice to the respondents is dispensed with and the revision is ordered.

Accordingly, the Civil Revision Petition is ordered, the docket order passed by the Executing court in EPSR.No.5888 of 2018 in ABR/CF.No.190 of 2016 is set aside. The petitioner shall represent the papers in the application for execution. Upon such representation, the Executing Court shall number the Execution Application, issue notice to the respondents, hear both parties and dispose of the Execution Application in accordance with law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 05-11-2018

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