

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

C.R.P.No.6402 of 2018

ORDER:

An Execution Petition filed by the petitioner herein under Order XXI Rule 11(2) of Code of Civil Procedure 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 docket order dated 25.9.2018 passed in E.P (SR) No.2089 of 2018 in A.R.C.No.3 of 2012 on the file of Senior Civil Judge, Karimnagar, 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: 23.11.2018
DA

¹ 2017(3) ALD 387 (DB)



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



C.R.P.No.6402 of 2018

23.11.2018

DA