

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.7169 of 2017

ORDER:

Heard Sri K.V.Subba Reddy, learned counsel for petitioner.

Though 1st respondent is served, there is no representation its behalf.

2. This Revision is filed under Article 227 of the Constitution of India challenging the action of 1st respondent in presenting E.P.No.2 of 2017 for execution of an arbitral award passed by the Deputy Registrar of Chit Funds at Karimnagar in A.R.C.No.24 of 2013.

3. Learned counsel for petitioner contends that as per the Division Bench judgment of this Court in C.R.P.Nos.5236 of 2016 and batch¹, and judgment of a learned Single Judge of this Court in C.R.P.No.3226 of 2017², execution of an award passed under the Chit Funds Act, 1982 (for short “the Act”) must be strictly in accordance with Rule 55 of the A.P. Chit Fund Rules, 2008; that such Execution Petition can be presented only to the Registrar, who passed the award, with a request to get it executed through Civil Court or through Revenue authorities under Section 71 of the Act; and therefore, since the 1st respondent did not follow the said procedure, the Senior Civil Judge at Jagtial could not have directly entertained the Execution Petition for execution of the said award rendered by the Deputy Registrar of Chit Funds and the E.P. ought to be rejected as not maintainable.

¹ C.R.P.Nos.5236 of 2016 and batch dt.14-03-2017

² C.R.P.No.3226 of 2017 dt.03-10-2017

4. Initially, notice was directed to the 1st respondent and stay of all further proceedings in E.P.No.2 of 2017 was granted and the stay order is being extended from time to time.

5. As mentioned above, though the 1st respondent is served, there is no representation on its behalf.

6. The Division Bench of this Court in C.R.P.Nos.5236 of 2016 (1 supra) held that a Civil Court cannot have jurisdiction to entertain a petition for execution of the award of the Deputy Registrar of Chit Funds, if presented by the decree holder, and the proper course for the Civil Court is to return the Execution Petition presented by the decree holder with liberty to get the applications forwarded to the Civil Court through the Registrar along with the certificate issued by the Registrar.

7. This judgment was followed by a learned Single Judge of this Court in C.R.P.No.3226 of 2017 (2 supra) and in that case also Execution Petition was directly presented before the Civil Court for execution of the award, and the Court held that the decree holder should move an application before the Registrar concerned for forwarding his Execution Petition to the Civil Court.

8. In view of the said decisions, I hold that E.P.No.2 of 2017 presented by the 1st respondent before the Senior Civil Judge at Jagtial is not maintainable and the said Court is directed to return the Execution Petition presented by the 1st respondent to the 1st respondent with liberty to get the same forwarded to the Civil

Court through the Registrar of Chit Funds along with certificate issued by the said Registrar.

9. The Civil Revision Petition is allowed with the above directions. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 25-01-2019

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