



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3289 of 2022

and

W.M.P (MD) Nos.2888 & 2889 of 2022

WEB COPY

1.K.Anbukkarasi

2.K.S.Kamatchi

... Petitioners

Vs.

1.The Deputy Registrar (Chit),
O/o.Deputy Registrar (Chit),
Dindigul.

2.M/s.Sri Nithyakalyani Chit Funds (P) Ltd.,
(A Company Registered under the
Indian Companies Act 1956)
Having its Registered Office at
No.33, South Veli Street,
Madurai.

3.A.Senthil Murugan

... Respondents

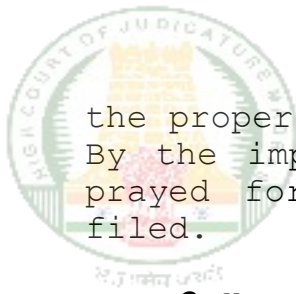
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records and to quash the order passed by the first respondent in I.A.No.Nil of 2021 in Chit Dispute No.32 of 2020 dated 01.09.2021 as on the same is lack of merit and by directing the first respondent to conduct the fresh enquiry against the above said I.A.No.Nil of 2021.

For Petitioner : Mr.C.M.Arumugam
For Respondents : Mr.J.John Rajadurai,
Government Advocate for R1
: Mr.P.Vetrivel - RR2 & 3

O R D E R

This writ petition has been filed challenging the order passed under Section 68 of the Chit Fund Act, 1982, [hereinafter referred to as 'the Act'] under which an interlocutory order has been passed attaching the properties of the petitioners.

2.The case of the petitioners is that they are the subscribers of chit with the second respondent. The second respondent has initiated proceedings under the Act for the default committed by the petitioners and pending the main claim has sought for attachment of



the properties owned by the petitioners under Section 68 of the Act. By the impugned order, an order of attachment has been passed as prayed for. Aggrieved by the same, this writ petition has been filed.

3. Heard Mr.C.M.Arumugam, learned Counsel appearing for the petitioner, Mr.J.John Rajadurai, learned Government Advocate who accepts notice on behalf of the first respondent and Mr.P.Vetrivel learned Counsel who accepts notice on behalf of the second and third respondents.

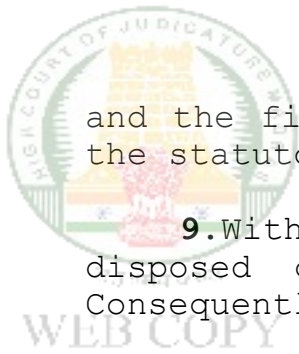
4. Learned Counsel for the petitioner drew the attention of this Court to the impugned order and would submit that under a non-speaking order, the petitioners' properties have been attached. According to him, the first respondent has not considered the objections raised by the petitioners in the impugned order. He would submit that only on that ground this writ petition has been filed without exhausting the remedy of statutory appeal available under the Act.

5. This Court has perused and examined the impugned order. As seen from the impugned order, no reasons have been given with regard to the explanation / objections submitted by the petitioners. It is a non-speaking order under which the petitioners' properties have been ordered to be attached under Section 68 of the Act. Being a non-speaking order, the right of the petitioners will have to be protected atleast till the petitioners prefer the statutory appeal under Section 70 of the Act.

6. Accordingly, the impugned order is stayed for a period of two [2] weeks from the date of receipt of a copy of this order to enable the petitioners to prefer the statutory appeal under Section 70 of the Act. However, it is made clear that if the petitioners do not prefer the statutory appeal within a period of two [2] weeks from the date of receipt of a copy of this order, the interim stay granted by this Court shall stand automatically vacated.

7. It is submitted by the learned Counsel for the petitioner that the impugned order passed by the first respondent was communicated to the petitioners only in the month of January, 2022 though the order is dated 01.09.2021. Therefore, he seeks a direction from this Court for the petitioners to prefer the statutory appeal beyond the period of two [2] months from the date of the order.

8. The reasons given by the petitioners for filing the statutory appeal beyond the limitation period is acceptable to the Court. Accordingly, the petitioners are permitted to file the statutory appeal as directed supra within a period of two [2] weeks from the date of receipt of a copy of this order before the first respondent



and the first respondent shall condone the delay, if any in filing the statutory appeal.

9. With the aforesaid direction, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

The Deputy Registrar (Chit),
O/o. Deputy Registrar (Chit),
Dindigul.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-7823[F] dated 22/02/2022)

ORDER MADE IN

W.P. [MD]No.3289 of 2022

22.02.2022

SE (CO)

GC (21.04.2022) 3P 3C