



WP No.3004 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-03-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.3004 of 2015

And

MP No.1 of 2015

S.Karmegam .. Petitioner

VS.

1.The Arbitrator,
Chit Fund Disputes,
Central Chennai District,
Chennai-1.

2.M/s.Shriram Chits Tamil Nadu (P) Ltd.,
Viswanathapuram Main Road,
Kodambakkam,
Chennai-24.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India,



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for the issuance of Writ of Declaration declaring that the Certificate dated 26.08.2013 in ARC No.902 of 2007 issued by the first respondent herein is non-est in the eye of law and not binding on the petitioner herein.

For Petitioner : Mr.G.Jeremiah
For Respondent-1 : Mr.T.Arunkumar,
Additional Government Pleader.
For Respondent-2 : Not Ready in Notice.

ORDER

The present writ petition has been filed to quash the Certificate dated 26.08.2013 in ARC No.902 of 2007 issued by the first respondent-Arbitrator.

2. The impugned Certificate reveals that it was issued towards non-satisfaction of decree under Section 71(a), Rule 55/2 of Chit Fund Act, 1982. Order sending decree for execution cannot be challenged in the writ proceedings in a routine manner.



3. The learned counsel for the petitioner states that part settlement had already been completed before the Lok Adalat and an Award was passed by the Lok Adalat on 25.05.2009. However, balance amount is to be granted in favour of the Chit Fund Company.

4. If at all, there is any dispute with reference to the part payment or otherwise or regarding the balance amount to be settled, the petitioner has to approach the Competent Appellate Authority under the provisions of the Chit Fund Act and the Rules.

5. The learned counsel for the petitioner states that the petitioner is challenging the procedure. The procedure as contemplated under the Chit Fund Act and the Rules are being adopted by the Competent Authorities.

6. It is not in dispute that the first respondent-Arbitrator passed an award and the award became final as of now. The petitioner has not



challenged the award. Contrarily, the petitioner is challenging the Certificate of non-satisfaction of decree issued by the first respondent-Arbitrator. Once the Arbitral Award became final, the consequential Certificate cannot be challenged before the Writ Court.

7. That apart, the procedure followed does not seem to be irregular or improper. The Lok Adalat award, admittedly, is for part settlement. Therefore, in respect of the balance amount, the first respondent-Arbitrator is empowered to issue Certificate. Therefore, regarding the settled amount through Lok Adalat, the petitioner has to submit all the relevant documents and satisfy the Competent Authorities for the purpose of resolving the disputes.

8. Since the part amount is yet to be settled, this Court do not find any infirmity in respect of the Certificate dated 26.08.2013 in ARC No.902 of 2007 issued by the first respondent-Arbitrator. The petitioner is at liberty to approach the Competent Authorities for redressal of his



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grievances, if any.

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9. With the abovesaid liberty, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

The Arbitrator,
Chit Fund Disputes,
Central Chennai District,
Chennai-1.

S.M.SUBRAMANIAM, J.

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