



Rev. Appl. Nos.146, 14 & 148 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.02.2023

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Review Application Nos.146, 147 and 148 of 2022
and CMP Nos.12669, 12677 and 12690 of 2022

G.Selvamathi

... Petitioner in all the
Review Applications

vs.

1. Attur Thuluva Vellalar Sangam Chit Funds (Private) Ltd.,
Rep. by its Director, Selvakumar,
No.101, Thaumanavr, Attur, Salem District.

A.S.Gopal Alais A.S.Chellamuthur, (died)
... Respondent/Petitioner in Rev. Appl.No.146/22

1. Attur Thuluva Vellalar Sangam Chit Funds (Private) Ltd.,
Rep. by its Director, Selvakumar,
No.101, Thaumanavr, Attur, Salem District.

A.S.Gopal Alais A.S.Chellamuthur, (died)

2. P.Arumugam

3. A. Chinnapillai

... Respondents/ 3& 4 Respondents
in Rev. Appl Nos.147 & 148/22



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Review Applications have been filed under Order XLVII Rule 1 r/w Section 114 of the Civil Procedure Code, against the order dated 20.12.2021 passed in Civil Revision Petition Nos.325, 322 and 324 of 2021 on the file of the High Court.

For Petitioner : Mr. R.Rajarajan
(in all the Review Applications)

For Respondents : Mr. M.Nandhakumar, for R1
(in all the Review Applications)

COMMON JUDGMENT

The respondents in Civil Revision Petition Nos.322, 324 and 325 of 2021 are on review on a limited ground.

2. The Civil Revision Petitions were filed by the respondent herein seeking rejection of the Arbitration Original Petitions filed by the Review Applicants before the District Court challenging the awards passed under the Chit Fund Act. Since the remedy by way of revision is provided before the Registrar under section 70 of the Chit Fund Act, an application under Section 34 for setting aside the award is not maintainable, was the



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contention of the respondent herein in the Revisions. I had agreed with the said contention and rejected the Arbitration Original Petitions.

3. Mr.R.Rajarajan, learned counsel appearing for the Review Applicants would not canvas on the merits of the matter. He would submit that the time taken in prosecuting the Original Petitions before the District Court and the Revisions before this Court should stand excluded while calculating the limitation for the revisions before the Registrar. He would also point out that substantial Court Fee has been paid in the Arbitration Original Petitions which has to be refunded, if we are to conclude that the OPs were not maintainable. I find some reasonableness in the request of the learned counsel.

4. As regards the Court Fee once it is found that the proceedings are not maintainable the Court Fee has to be refunded. Hence there will be a direction to the District Court, Salem, to refund the Court Fee paid on the Arbitration Original Petitions filed by the Review Applicant, viz. O.P.Nos.46, 47 and 48 of 2020 on the file of the Principal District Court,



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Salem. As regards the computation of limitation, it will be open to the Review Applicant to seek condonation of delay citing the pendency of the Original Petitions before the District Court and the Civil Revision Petitions before this Court as well as this Review Application, if such application is filed the Registrar will consider it independent of any observations made in this order under review.

5. The Review Application is disposed of with the above directions. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

10.02.2023

jv

Index: Yes/No
Internet: Yes/No
Speaking order/Non Speaking order
Neutral Citation: Yes



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R.SUBRAMANIAN,J.

jv

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