



W.P.No.10506 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.10506 OF 2022

1.Moodalagiriyappa
2.Jayamma.G
3.Leela.M

... Petitioners

versus

1 The Arbitrator for Central Chennai
Chit Fund Cases Court
Ground Floor, Combined Commercial Tax Department and
Registration Department Complex
Veterinary Hospital Road Penpet
Nandhanam, Chennai 35.

2 Sree Gokulam Chit and Finance Company (P) Ltd.
No.49 Arcot Road
Kodambakkam Chennai 24

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the 1st respondent to decide and pass the order on the petitioners' pending applications viz. for Leave to represent through power agent, Maintainability of dispute, delete item No.1, 2, 3 of Schedule Property, reject the Counter filed by the 2nd respondent herein reject the reply filed in the main petition, reject the reply on memo dated 15.09.17 to produce documents in ARC No.279/2017.

For the Petitioner : Mr.K.Muthamil Raja



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For the Respondents : Ms.M.Geetha Thamarai Selvam,
Special Government Pleader,
for the second respondent

ORDER

The writ petition has been filed in the nature of a mandamus seeking a direction against the first respondent namely the Arbitrator for Central Chennai Chit Fund Cases Court, to dispose of the pending interlocutory application in ARC No.279/2017 in which, the second respondent herein is the disputant and the petitioner has been termed as the respondents.

2. The petitioner had entered into a chit fund relationship with the second respondent. Disputes had arisen.

3. Let me not enter into a detailed discussion about the disputes since they have been referred to the first respondent to examine the same in the manner known to law.

4. The petitioners had filed then applications before the first respondent. The first application was filed under Order III Rules 1 and 2 CPC to be represented through a Special Power Agent. This does not



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require any detailed examination of facts. If the power of attorney is in force and is in order then orders can be passed by the first respondent.

5. The second application which has been filed by the petitioner, is I.A.No. 1 of 2018, which has been filed under Sections 67 and 68 (4) read with Section 64 Chit Funds Act 1982 read with Rule 45. The petitioner has raised the issue of jurisdiction. Naturally the first respondent, in order to satisfy himself about the jurisdiction will have to pass necessary orders.

6. The third application which has been filed by the petitioner herein, is I.A.No. 2 of 2018 which had been filed under Sections 67 and 68 (4) read with Section 64 of the Chit Funds Act, 1982 read again with Rule 45 to delete three schedules from the disputes.

7. The petitioner had filed yet another application, under Section 67 read with 64 of Chit Funds Act, 1982, to reject the counter affidavit filed.



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8. A direction is given to the first respondent to first dispose of the application relating to representation through special power of attorney agent. Thereafter, first respondent may take up the application relating to jurisdiction and dispose it of. Thereafter, if the first respondent holds that he had no jurisdiction then the matter ends there. If it is found that it has jurisdiction he should take up the application seeking to delete three items in the schedule. Thereafter, simultaneously he should also take up the application to examine whether the counter affidavit should be rejected or not. A direction is given that all the four interlocutory applications should be decided on or before 31.03.2023. Thereafter, depending on the outcome, a further direction is given, ARC No.279/2017 itself should also be disposed of on or before 30.06.2023.

9. Recording the above, the writ petition stands disposed of. No costs. Consequently, WMP Nos.10197 and 10199 are closed.

07.02.2023

Index: Yes/no
mrn



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To

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C.V.KARTHIKEYAN, J.
(mrn)

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