



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:04.09.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.2212 of 2023
and
C.M.P(MD)No.11301 of 2023

A.Sureshkumar

... Petitioner/Petitioner

Vs.

1.M/s.Shriram Chits Tamil Nadu (P) Limited,
Madurai-1 Branch,
117, West Perumal Maistry Street,
Madurai.

2.The Deputy Registrar of Chits,
Madurai South,
Madurai.

...Respondent/Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in Na.Ka.No.3716/E2/2023, dated 20.06.2023 and direct the 2nd respondent to number the set aside petition along with condone delay petition.

For Petitioner :Mr.S.Pandiyaraj

**ORDER**

This Civil Revision Petition is filed as against the order, dated 20.06.2023 passed in Na.Ka.No.3716/E2/2023, by the second respondent and to direct the second respondent to number the set aside petition along with condone delay petition.

2. According to the petitioner, the petitioner's brother viz., V.Ravi has joined as subscriber to the 5 lakhs chit conducted by the first respondent, wherein, the petitioner and two others were stood as guarantors to the aforesaid V.Ravi. After receiving notice from the Principal Sub-Court, Madurai, regarding E.P.No.133 of 2016, the petitioner came to know that the ex-parte order was passed by the second respondent against him. The said Execution Petition was filed only to recover the money from who stood as guarantors to the above said V.Ravi. Therefore, the petitioner's salary was attached. While so, the first respondent filed another E.P.No.183 of 2022 against the petitioner alone. In such circumstances, the petitioner moved an application to set aside the ex-parte order passed against him with condone delay application. The second respondent, without numbering the application, passed the impugned order stating that as the execution petition is pending, he could not consider the set aside petition along with condone delay petition. Hence, the present civil revision petition is filed.



3.The learned counsel appearing for the petitioner submitted that as the order is being ex-parte, the second respondent can adjudicate the set aside petition and condone delay petition.

4.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5.*In R.M.Lakshmanan vs. Shri Krishna Chit Funds*, it was held in **CRP(NPD)MD)No.193 of 2007** by order dt.**09.04.2007**, by **MR.JUSTICE S.NAGAMUTHU of MADURAI BENCH OF MADRAS HIGH COURT**(in the Civil Revision Petition has been filed by the petitioners challenging Dr.SSRB,J the order of Registrar of Chits, Virudhunagar dated 09.01.2007 made in Na.Ka.No.204/u/2007), a careful reading of Rule 49(4) of the Chit Fund Rules would show that the Registrar has been empowered only to pass an exparte award and the power to set aside the exparte award is not contained therein. A careful reading of Sec.67 of the Chit Fund Act would show that the Registrar has been given only limited powers of the Civil Court as listed out in the section itself which do not include power to set aside exparte award.

6.Therefore, the second respondent has no jurisdiction to entertain the said application. Accordingly, this Civil Revision Petition is dismissed. No



costs. However, the petitioner is at liberty to file an application before the appropriate forum. Consequently, connected miscellaneous petition is closed.

04.09.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
Ns

To

1.The The Deputy Registrar of Chits,
Madurai South,
Madurai.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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