



C.R.P(PD)(MD)No.1814 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P(PD)(MD)No.1814 of 2019

K.Muruganandham ... Petitioner /Petitioner/Opposite Party
.Vs.

Margadarasi Chits Private Limited,
Rep. By its Foreman, B.Saravana Babu,
TAB Complex, 1st Floor,
No.41, Bharathi Dasan Salai,
Cantonment,
Tiruchirappalli. .. Respondent /Respondent/Disputant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Arbitrator/Deputy Registrar of Chits, Tiruchirappalli to number the unnumbered I.As in A.R.C.No.75 of 2014 filed by the petitioner on 22.10.2018.

For Petitioner : Mr.S.Bharathy Kannan

For Respondent : Mr.R.Devaraj



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ORDER

The revision is preferred against the refusal to number the application to set aside the *ex parte* order passed by the arbitrator.

2.The learned counsel for the revision petitioner would submit that being an *ex parte* award, he is entitled to set aside the same, on showing sufficient cost and therefore, the arbitrator was clearly in error in not entertaining the application seeking to set aside the *ex parte* order.

3.Per contra, the learned counsel for the respondent would place reliance on Section 70 of the Chit Funds Act, 1982 and the language employed in thereunder does not make a distinction between an order passed on merits or one passed *ex parte*. Section 70 of the Chit Funds Act is extracted hereunder:-

“Section 70-Appeal against decision of Registrar or nominee.- Any party aggrieved by any order passed by the Registrar or the nominee or the award of the Registrar or the



nominee under section 69, may, within two months from the date of the order or award, appeal to the State Government.”

4.On a reading of Section 70, it is clear that against any order passed by the Registrar, including an award, an appeal shall be filed to the State Government within two months from the date of the order or award. Thus, it does not matter, whether the order is an *ex parte* order or an order passed on merits. Therefore, the revision has to necessarily be filed.

5.However, considering that the revision petitioner has been *bona fide* prosecuting the present revision before this Court, subject to the revision petitioner filing an appeal as contemplated under Section 70 of the Chit Funds Act, within a period of 45 days from the date of receipt of a copy of this order, the Government, viz., the designated appellate body shall not insist on any application for condonation of delay in filing the appeal and shall proceed to entertain the appeal and dispose of the same on merits, after hearing the contesting respondent in accordance with law.



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6.The Civil Revision Petition is dismissed with the above observations. No costs.

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
SJI

06.12.2023

To

- 1.The Arbitrator/Deputy Registrar of Chits, Tiruchirappalli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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P.B.BALAJI,J.

SJI

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