

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.45678 of 2022

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Stamps and Registration.

2. The short grievance of the petitioner in this writ petition is that in spite of filing an appeal under Section 70 of the Chit Funds Act, 1982 (for short, 'the Act, 1982'), against an award passed in Case No.AA/CF/No.258/2021, dated 18.02.2022, before respondent No.2 and the same was acknowledged by respondent No.2 on 16.12.2022, along with an application for grant of stay, respondent No.2 has not initiated any action for consideration of the said statutory appeal and on the other hand, respondent No.4 herein is proceeding with execution of the award, dated 18.02.2022, whereby rendering the appeal filed by the petitioner as infructuous, and hence the petitioner seeks indulgence of this Court to direct respondent No.2 to dispose of the said appeal within a time frame and also to pass appropriate orders on the stay application filed along with the said appeal.

3. On the other hand, learned Assistant Government Pleader for Stamps and Registration submitted that if the appeal filed by

the petitioner is in order, the same would be considered by the respondents in accordance with law.

4. Taking into consideration the submissions made on either side and having taken note of the obligation on the part of respondent No.2 to consider the statutory appeal filed by the petitioner, the writ petition is disposed of directing respondent No.2 to consider the statutory appeal filed by the petitioner under Section 70 of the Act, 1982 against the award in Case No.AA/CF/No.258/2021, dated 18.02.2022, and dispose of the same in accordance with law within a period of three months from the date of receipt of a copy of this order by duly putting all the parties concerned on notice and affording an opportunity of personal hearing to them. Pending disposal of the appeal in Case No.AA/CF/No.258/2021, dated 18.02.2022, the operation of the said award shall remain stayed, subject to condition of the petitioner depositing 1/4th of the amount awarded with respondent No.4 within a period of three weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

MUMMINENI SUDHEER KUMAR, J

Date:05.01.2023

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