
(2017) 01 AP CK 0030
In the Andhra Pradesh High Court
Case No : C.R.P. No. 6547 of 2016

Katla Laxmanna

APPELLANT

Vs

M/s. Rao Brothers Chit Funds Private Limited

RESPONDENT

Date of Decision : 19-01-2017

Acts Referred:

Chit Funds Act, 1982 — Section 71(a)

Citation : (2017) 2 ALT 327

Hon'ble Judges : Sri C.V. Nagarjuna Reddy and Smt. T. Rajani, JJ.

Bench : Division Bench

Advocate : Mr. V.V. Ramana, Advocate, for the Petitioner; Smt. Ch. Sujatha, Advocate, for the Respondent No. 1

Final Decision : Disposed Off

Judgement

Sri C.V. Nagarjuna Reddy, J. - Feeling aggrieved by order dated 19.07.2016 passed in E.P. No.492 of 2016 in ARB. No.254 of 2014 on the file of the XI Junior Civil Judge, City Civil Court, Secunderabad, judgment debtor Nos.2 and 4 have filed this civil revision petition.

2. The sole point that has been argued by Sri V.V. Ramana, learned counsel for the petitioners, is that the Court at Secunderabad has no jurisdiction to entertain the E.P., filed by respondent No.1, for, the award was passed by the Deputy Registrar of Chits at Karimnagar, which falls out side jurisdiction of the Secunderabad Court. In support of his submission, the learned counsel placed reliance on Section 71 (a) of the Chit Funds Act, 1982 (for short "the Act"). Learned counsel for respondent No.1 has not disputed the fact that the award was passed by the Deputy Registrar of Chits, Karimnagar and that he does not fall within the jurisdiction of the Court of the XI Junior Civil Judge at Secunderabad.

3. Section 71 of the Act, to the extent it is relevant, reads as under:

"71 . Money how recovered.- Every order passed by the Registrar or the nominee

under Section 68 or Section 69 and every order passed by the State Government in appeal under Section 70 for payment of any money shall, if not carried out,-

"(a) on a certificate issued by the Registrar, be deemed to be a decree of a Civil Court, and shall be executed in the same manner as a decree of such Court, or.

(b) ?."

4. As rightly argued by the learned counsel for the petitioners, the certificate issued by the Registrar is a deemed decree of Civil Court and that it shall be executed in the same manner as the decree of such Court. The words "as a decree of such Court" in clause (a) of Section 71 of the Act shall be construed as the Court which would have passed a decree if a certificate was not issued by the Registrar. It is not in dispute that if a civil suit were to be filed by respondent No.1, the Court of CVNR, J & TR, J 3 CRP. No.6547 of 2016 competent jurisdiction was the Court in Karimnagar. Therefore, the certificate issued by the Registrar, which was sought to be executed by respondent No.1 has to be necessarily executed by the Court at Karimnagar.

5. In this view of the matter, we find merit in the submissions made by the learned counsel for the petitioners and hold that the Court of the XI Junior Civil Judge, City Civil Court, Secunderabad, has no jurisdiction to entertain the E.P., filed by respondent No.1. Accordingly, the issue of warrant by the said Court is set aside while holding that E.P. No.492 of 2016 has no legal effect on the petitioners. This order, however, would not preclude respondent No.1 from filing E.P., before the competent Court in Karimnagar District.

6. This civil revision petition is accordingly allowed.

7. As a sequel to disposal of the civil revision petition, CRP. MP. No.8586 of 2016 shall stand disposed of as infructuous.