

IN THE COURT OF THE MUNSIFF, CHALAKUDY
Present : Parvathy Vijayan, Munsiff, Chalakudy.
Wdenesday, the 18th day of March, 2026/4th CHAITHRA,1948

E.P.779/2023 in Award No.720/2022

Decree Holder :-

Mala Gurudharmam chits Limited, Mala Desom, Vadama village represented by its
Managing Director Sudheesh Babu, aged 60, S/o Karunakaran, Pulikkal
House,Poovathussery Desom,Kalloor Thekkumury Village, Chalakkudy Thaluk
By Adv. ROSH K S

Judgment Debtor :-

1. Shaji, S/o. Chathunny, Chenthuruthy House, Vattakotta Desam,
Kuruvilassery Village, Chalakudy Taluk

By Adv. DEEPA P L

This petition come up before me for hearing on this day the court passed the
following: -

ORDER

1. This is an execution petition to issue warrant filed by the decree holder in the
above referred Award No.720/2022, for realization of a sum of Rs.27,610/-
from the judgment debtor. It is the contention of the decree holder that the
judgment debtors has sufficient means and assets to clear the decree debts and
that they are purposefully and deliberately evading from making payment of
the decree debt and therefore warrant may be ordered against him.
2. The learned counsel of the judgment debtor argued that award is not
maintainable and the execution petition is to be dismissed. The execution
petition is not maintainable and executable. The contention of the judgment
debtor is that as per Section 71 of Chit Funds Act ,1982 along with the award
the certificate issued by the Registrar as contemplated under S.71 has to be
produced. Only if the procedure as per Rule 57 is complied the Civil
jurisdiction can execute the award. The said certificate is not produced along
with the award and hence the decree is not executable. Hence prays for
dismissal of the execution petition.

3. The Decree Holder objected the arguments stating that it is only a procedural formality and the Decree Holder has produced the Certificate after the filing of the E.P. Hence the E.P. is not maintainable.
4. The question to be decided is whether the Execution Petition is maintainable?
5. Heard both sides. Perused the records. It is clear that when the Execution Petition was filed, the certificate was not enclosed. It is produced at a later stage. Petitioner relied on the judgment in ***Meenachi Rubber Marketing and Processing Co-op V. Kadalplmattom Service Co-op Bank (Sathish Ninan J.) 2025 (2) KHC 239 (DB)*** and argued that issuance of a certificate by the Registrar under Rule 72 is mandatory for an award passed under the Act to be executed before a Civil Court –Held, issuance of a certificate by the Registrar in terms of Rule 72 is mandatory for an award to partake the status of a deemed decree liable to be executed before a Civil Court – Unless such a certificate is issued, the Civil Court lacks jurisdiction to execute the award – Kerala Co-operative Societies Rules, 1969, Rule 72. The respondent relied on the decision in ***Hunnime Chits (P) Ltd., Ranebennur v. Parashuram Revaneppa and Another [2021 KHC Online 4512]*** in which it is held the learned trial court was in error in returning the execution petitions on the sole ground that Registrar has not referred the certificate for execution to the Civil Court and in fact, it was filed into court by the petitioner himself.
6. The learned counsel for the Decree Holder argued that the decision produced is pertaining to the Kerala Co-operative Societies Act, 1969 and as per Section 69 of Co-operative Societies Act it bars the complete jurisdiction of the Civil Court and hence that decision is not applicable in this case. He relied on the decision in ***Hunnime Chits (P) Ltd., Ranebennur v. Parashuram Revaneppa and Another [2021 KHC Online 4512]***. The said decision is quoted above. In that decision the question was whether there is a requirement under the Act

that execution proceedings can be maintained before a civil court only upon the Registrar forwarding the Certificate issued by him under Section 71(a) of the Act. Therein the certificate was produced directly by the beneficiary before the civil court and execution proceedings were initiated. In that case the court held that there is no requirement for the certificate to be forwarded by the Registrar himself. The Certificate produced by the beneficiary is sufficient to maintain the execution proceedings. That is not the situation in this case. In this case the E.P was filed without the certificate. The relevant sections can be quoted hereunder:

7. Rule 57 of Kerala Chit Funds Act, 1982: Procedure for execution of awards--
Every order or award passed by the Registrar, or his nominee under Section 68 and Section 69 shall be forwarded by the Registrar to the foreman or to the party concerned with instructions that the foreman or as the case may be, the party concerned shall initiate execution proceedings forthwith according to the provisions of Section 71.

8. Rule 71 Kerala Chit Funds Act, 1982: 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) be executed in accordance with the provisions of any law for the time being in force for the recovery of amounts as arrears of land revenue:

Provided that no application for execution under clause (b) shall be made after the expiry of three years from the date fixed in the order, and if no such date is fixed, from the date of the order.

9. The procedure for execution of awards is clearly laid down in Rule 57 and Rule 71 of Kerala Chit Funds Rules 2012. ***In Punyamurthula Venkata Viswa Sundara Rao v.M/s.Margadars Chit Fund Private Limited and Others[2017 KHC 4545]***. The procedure for filing the execution petition in civil court under Chit Funds Act is elaborately discussed. On going through the decision and the Rules 57 and 71 of Chit Funds Act 2012 it is clear that Section 71 of the Act confers the status of a decree of a civil court on the certificate issued by the Registrar. Section 57 clearly lays down that if the amount due under the award is not forthwith recovered or the order thereunder is not carried out, it shall be forwarded to the Registrar with an application for execution along with all information required by the Registrar, for the issue of certificate under Section 71. The applicant shall state whether he desires to execute the award through a Civil Court or through the revenue authorities as provided under Section 71. On receipt of such application for execution the Registrar shall forward the same to the proper authority for execution along with a certificate issued by him under Section 71 and a proclamation issued under Rule 56 in the manner prescribed therein. Section 71 of Chit Funds Act states that on a certificate issued by the Registrar, be deemed to be a decree of Civil Court, and shall be executed in the same manner as a decree of such Court. This is the procedure laid down in the section. Now as per this decision the execution court would have no jurisdiction to entertain petition for execution of award of Deputy Registrar if presented by Decree Holder. However the decision would make it clear that the procedure is applicable to cases under Chit Funds Act also. The same is 'Pari Materia' with Rule 72 of Kerala Co-operative Society Rules. In ***Hunnime Chits (P) Ltd., Ranebennur v. Parashuram Revaneppa and Another [2021 KHC Online 4512]*** it is held that only for the reason that petitioner himself produced the certificate for execution the Execution Petition could not be returned. However in this Execution Petition the certificate is not produced at the time of filing of Execution Petition. Hence in this case the decision in ***Meenachi Rubber Marketing and Processing Co-op V.***

Kadalplattom Service Co-op Bank (Sathish Ninan J.) [2025(2)KHC 239(DB)] is squarely applicable. The civil court would have jurisdiction for execution of the decree only if the award gets the status of a decree, the award would be decree if Rule 71 of Kerala Chit Funds Rules 2012 is complied and a certificate is issued by the Registrar. So the Execution Petition is not maintainable. Hence Execution Petition dismissed .

(Pronounced in open court this the 18th day of March, 2026.)

Parvathy Vijayan,
Munsiff

APPENDIX : Nil

Munsiff