

IN THE COURT OF THE MUNSIF, PALAKKAD.

Present:- Smt. Bindhya. C. C., Additional Munsiff.

Tuesday, the 11th day of March, 2025.

20th day of Phalghuna, 1946 S.E.

ORIGINAL SUIT No.518/2022

Plaintiff :-

M/s.Sree Gokulam Chits and Finance Company (P) Ltd., Zonal Office at Sanjos Towers, Opp: K.S.R.T.C Bus Stand, Shornur Road, Palakkad, Represented By its Assistant Manager (Legal) K.K.Subashkumar, S/o. Mr.Krishnan, aged 38 years, residing at Pulinelli, Kottayi, Palakkad District.

By Advocate :- Sri. M.G.Krishnanandhan

Vs.

Defendant :-

Ali.M, Aged about 44 years, S/o.Moideen.M, Maliyekkal House, Eswaramangalam Post, Ezhuvathuruthy, Malappuram District, Pin – 679 577.

By Advocate :- Sri.N.R.Mahadevan

This suit having been finally heard on this day and after considering the matter today this Court passed the following:-

J U D G M E N T

Suit for Realization of Money

Both side represented. Heard on preliminary issue. The preliminary issue that was raised was with respect to the question “ Is the suit barred Under section 64 (3) of Chit Funds Act ? ”. Upon perusal of the statement of plaintiff itself it evident that the subject matter of suit is with respect to chitty transaction between the plaintiff company and defendant. The defendant was subscriber of a chitty bearing No. 424/2266/DGL. The date of chit transaction is dated 26-09-2017. The Chit Funds Act came into force in the State of Kerala with effect from 30-04-2012, vide notification published in Gazette of India Extra ordinary Part II S. 3 (ii) dated 30-04-2012. Considering the dictum of Hon’ble High Court of Kerala in para 23 of Hi-Line Kuries Ltd. v/s Sukheesh and others (2022KHC 313) court held that the provisions

under chapter XII of the Chit Funds Act, 1982 which deals with disputes and arbitration and the forum of disputes resolution provided under sub section (1) of S. 64 of the said Act have no application to any chit started in State of Kerala before commencement of Chit Funds Act, i.e., before 30-04-2012. But forum from the date of commencement of act in Kerala (i.e. 30-04-2012) is a registrar of arbitration and bar under section 64 (3) of the Act shall apply to all chit transactions after 30-04-2012. Hence I am satisfied that this court do not have jurisdiction to entertain this suit as the chit transaction date is 26-09-2017 and clearly barred U/S 64 (3) of Chit Funds Act, 1982 and strikes at the root of the suit. Hence the preliminary issue is found not in favor of the plaintiff and the suit cannot be entertained before this court and the suit is dismissed. All interim order also stands dismissed. All interim orders also stands dismissed along with the suit. Interim attachment if any, shall stands lifted. Communicate the same to Sub Registrar Office and Village Office concerned.

Pronounced by me in open Court on this the 11th day of March, 2025.

Sd/-
Additional Munsiff.

APPENDIX : Nil

Sd/-
Additional Munsiff.

Typed by : Vinitha.V
Compared by : Jincy Jaison

ADDITIONAL MUNSIFF COURT
PALAKKAD

Fair/ Copy of Judgment in

O.S. No. 518/2022

Dated : 11.03.2025
