

Heard the arguments of the learned counsel for decree-holder with regard to office objections.

The first objection raised in the office is that, the decree-holder is required to pay stamp duty of Rs.2400/-. The other objection is that, the judgment-debtors are not residing within the jurisdiction of this court.

The contention of the learned counsel for decree-holder is that, the Award under execution was passed by the Deputy Registrar of Chits, Malleshwaram, Bangalore by exercising his power under Section 64(1) of the Chits Funds Act, 1982 r/w Rules 31 of the Chit Funds (Karnataka) Rules, 1983. As per Section 71(a) of the Chit Funds Act, 1982, the Certificate issued by the Joint Registrar of Chits can be enforced as if it is a civil decree. Such being the case, the decree-holder is not required to pay any stamp duty as insisted in the office.

Regarding other objection, the learned counsel for decree-holder submitted his arguments that, the decree-holder is having several modes to recover the Award amount from the judgment-debtors. As such, even though the judgment-debtors are not the residents of Bengaluru, there is no impediment to the decree-holder to prosecute the matter before this court. To substantiate his arguments, he placed reliance on the following decisions:

1. ILR 2006 KAR 498; M/s.Shriram Chits

(Bangalore) Ltd. Vs. Panchakshari and another.

2. Arbitration Petition No.549/2016; Dinesh Jaya Poojary Vs. M/s.Malavika Chits India Pvt. Ltd., on the file of Hon'ble High Court of Judicature at Bombay.
3. Sri.S.T.Purushotham Vs. M/s.Margadharshi Chits. (K) Pvt. Ltd. and others in Writ Petition Nos.50676/2018 & 12192/2019 on the file of Hon'ble High Court of Karnataka.

To come to the right conclusion in the matter, I have carefully gone through Order passed by the Deputy Registrar of Chits, Bangalore and law laid down in the aforecited decisions. In the first two decisions, it was made clear that, the Award / Certificate issued by the Joint Registrar of Chits is enforceable before the Civil Court as if it is a civil decree. In the case of **Sri.S.T.Purushotham Vs. M/s.Margadharshi Chits. (K) Pvt. Ltd. and others** cited above, it was made clear that, the Order passed and Certificate issued by the Registrar is deemed to be a civil court decree and the decree-holder is not liable to pay the stamp duty.

In view of the law laid down in the aforecited decisions, it is clear that, this court is having jurisdiction to prosecute the matter and the decree-holder need not pay any stamp duty. As rightly contended by the learned counsel for decree-holder, as there are several modes to proceed against the judgment-debtors, there is no impediment to the decree-holder to initiate proceeding before this court. This being the state of affair, the objections raised in the office is not sustainable. Hence, the

following:

ORDER

The objections raised in the office regarding payment of stamp duty and jurisdiction are not sustainable and thereby decree-holder is permitted to further prosecuting the matter.

(SANTHOSHKUMAR SHETTY N.)
XI ADDL. CITY CIVIL & SESSIONS JUDGE
BENGALURU CITY.