

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

:PRESENT:

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 212 OF 2024

Between:

1. G. Santhosh, S/o. Prakasham,
2. Md. Jabbar, S/o. Siddiq Pasha,
3. M. Raju, S/o. M. Narasimhulu,
4. B. Mahesh, S/o. B. Raju,
5. M. Maheshwar, S/o. M. Ramulu,
6. G. Prakash, S/o. G. Shivaram,
7. S. Anjaneyulu, S/o. S. Ramakrishna,
8. M. Satish Kumar, S/o. Gangadhar,
9. E. Narendra, S/o. E. Sudhakar,

Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue (Registration- II) Department, Secretariat, Hyderabad.
2. The Deputy Registrar of Chits/Arbitrator, (O/o. District Registrar of Registration of Chits) Medchal- Malkajgir District, at Medchal.
3. M/s. Shri Nikhila Chits A. P. Pvt. Limited, Branch at Kukatpally, rep. by its Recovery Legal Cell Manager, M. Vinod Kumar S/o. Kishtanna, aged 42 years, R/o. Meerpet, Hyderabad.
4. The Salary Disbursing Officer cum Mandal Educational Officer, Shankarampet Mandal, Medak District.
5. The Salary Disbursing Officer cum Mandal Educational Officer, Tekmal Mandal, Medak District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in filing E. P. No. 116/2023 on the file of the Hon'ble Principal Junior Civil Judge, Kukatpally, Medchal- Malkajgiri District without getting it transferred by filing petition before the Arbitrator who passed the award in Arbitration ABR/CF No. 238/2021 and obtaining attachment of salaries of the petitioners 2 to 4, as illegal, unlawful, contrary to law and without

jurisdiction and consequently the Execution Proceedings in E. P. No. 116/2023 and salary attachment of the petitioners 2 to 4 may be set aside on the ground that the above court has no jurisdiction to entertain the execution petition and passed the attachment order.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant of stay of all further proceedings in E.P.No. 116/2023 in Arbitration ABR/CF No. 238/2021 on the file of Hon'ble Principal Junior Civil Judge, Kukatpaly, Medchal-Malkajgiri District including stay of attachment of the salaries of the petitioners 2 to 4, pending disposal of WP 212 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri M DAMODAR REDDY, Advocate for the Petitioners, GP FOR STAMPS AND REGISTRATION for the Respondent Nos.1 & 2 and Sri JADI MOHAN BABU, Advocate for Respondent No.3, the Court made the following;

ORDER

Learned counsel for the petitioners submits that in similar circumstances this Court in WP No.907 of 2023, dated 10.12.2023 has passed the interim order which reads as:

"In Punyamurthula Viswa Sundara Rao V. Margadarsi Chit Fund Private Limited, Hyderabad and others¹ the Division Bench held that the E.P. Court does not have jurisdiction to entertain an application for execution of the award of the Deputy Registrar of Chit Funds, if presented by the decree-holder. In the instant case also, it is contended that, straight away E.P. was filed before the Court of Principal Senior Civil Judge, Mahabubnagar, without it being presented/forwarded by the Registrar. In view of the decision

¹ 2017(3) ALD 387

referred to above, balance of convenience is in favour of the petitioner.”

Sri Jadi Mohan Babu, learned counsel for respondent No.3 seeks time to file counter.

List on 06.02.2024, there shall be interim stay, as prayed for, for a period of three (3) weeks.

//TRUE COPY//

SD/- P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Junior Civil Judge, Kukatpaly, Medchal- Malkajgiri District.
2. The Principal Secretary, Revenue (Registration- II) Department, State of Telangana, Secretariat, Hyderabad.
3. The Deputy Registrar of Chits/Arbitrator, (O/o. District Registrar of Registration of Chits) Medchal- Malkajgir District, at Medchal.
4. M. Vinod Kumar S/o. Kishtanna, Recovery Legal Cell Manager, M/s. Shri Nikhila Chits A. P. Pvt. Limited, Branch at Kukatpally, R/o. Meerpet, Hyderabad.
5. The Salary Disbursing Officer cum Mandal Educational Officer, Shankarampet Mandal, Medak District.
6. The Salary Disbursing Officer cum Mandal Educational Officer, Tekmal Mandal, Medak District.
(for 2 to 6 by RPAD)
7. One CC to SRI. M DAMODAR REDDY, Advocate [OPUC]
8. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court at Hyderabad. [OUT]
9. One spare copy

HIGH COURT

NVSKJ

DATED:23/01/2024

POST ON 06.02.2024

ORDER

WP.No.212 of 2024

INTERIM STAY

