

**(2014) 07 KL CK 0058**

**High Court Of Kerala**

**Case No:** OP (C). No. 1590 of 2014 (O)

A.A. Joseph

APPELLANT

Vs

Sree Gokulam Chits and Finance  
Co. Pvt. Ltd.

RESPONDENT

---

**Date of Decision:** July 15, 2014

**Hon'ble Judges:** V. Chitambaresh, J

**Bench:** Single Bench

**Advocate:** P.T. Jose, Advocate for the Appellant; K.S. Babu, Advocate for the Respondent

---

### **Judgement**

V. Chitambaresh, J.

Heavy reliance is placed on [Metro Silks and Sarees Vs. Darpan Traders](#), to contend that the court of the Subordinate Judge of Kochi to which the Award was transferred cannot proceed further in execution. The said decision has no application to the facts of this case since the Award in question has been passed under the Chit Funds Act, 1982 and not under the Arbitration and Conciliation Act, 1996.

2. The issue at hand is squarely covered by [Saraswathi and Another Vs. Mathevan Pillai and Others](#) as per which an execution petition filed at Tamilnadu can be transferred to Kerala State for execution of the Award. The petitioner has not hitherto made any motion to set aside the Award made under the Chit Funds Act, 1982 and therefore the proclamation of sale of the property in execution cannot be faulted with. The sale scheduled to take place on 15.7.2014 can go on as scheduled even though it shall not be confirmed of course subject to the following conditions.

3. The sale shall not be confirmed if the petitioner pays the Award amount in 10 equal monthly instalments starting from 1.8.2014. The sale of the property shall be confirmed if the petitioner commits default in the payment of any one of the instalments as directed. Nothing said above will disable the petitioner to avail the benefit of One Time Settlement Scheme if any whereupon the respondent shall give credit to all the payments hitherto made and grant maximum concession.

The Original Petition is disposed of.