

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.164 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.M.S.Deshmukh, advocate for the Applicant.

CORAM : S.V.GANGAPURWALA, J.
Date : 26.08.2015.

PER COURT :

1. Heard.
2. Mr.Deshmukh, learned counsel submits that the Unregistered Association of Persons had filed a suit for declaration and specific performance. According to the learned counsel, the suit by Unregistered Association of Persons without impleading all the members as a party is not maintainable. The suit could not have been instituted in the name of Unregistered Association of Persons. The learned counsel submits that the Court below without considering the fact that Unregistered Association does not have the status of person could not have instituted the suit. Unless an Association has the status of a person or is registered does not have an independent identity, as such could not have maintained the suit.

3. I have considered the submissions. There can not be any dispute with the proposition that a suit simpliciter on behalf of Unregistered Association would not be tenable. However, it would be seen that provision of Order I Rule 8 of the C.P.C were resorted. The application was given U/o I Rule 8 of the C.P.C. Even the Court initially has passed the order to issue public notice to all the members and get their concurrence. Once the said provision is followed then it can not be said that the suit would not be tenable. The trial Court has considered the said aspect in correct perspective. Perusing the order, it is manifest that the Court was aware that Unregistered Association is not entitled to file the suit, unless it has recourse to provisions of Order I Rule 8 of the C.P.C. As the said procedure is complied, the said objection thereafter is not tenable.

4. In light of the above, no interference is called for. The Civil Revision Application is disposed of. No costs.

(S . V . GANGAPURWALA, J .)

Dt.26.08.2015.
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