

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2296 of 2016
and
C.M.P.No.11897 of 2016

Krishnasamy Venkatesan
S/o.Late Krishnasamy Naidu

... Petitioner

vs

1.Reserve Bank of India,
A Body Corporate Constituted
under the Reserve Bank of India
Act 1934 Department of Expenditure
and Budgetary Control (now known as
Corporate Strategy and Budget Dept.
Shahib Bhagat Singh Road,
Bombay 400 023, representing
themselves and all other creditors
of the first defendant in the representative
capacity.

2.K.Balakrishnan
S/o.Late Krishnasamy Naidu

... Respondents

2. First respondent/plaintiff has filed O.S.No.524 of 2015 on the file of learned I Additional District and Sessions Judge, Coimbatore, seeking declaration that the alleged partition release deed dated 25.10.2012 registered as Document No.5678 of 2012 was sham and nominal, not binding on the plaintiff Bank and other creditors of first defendant and other consequential reliefs. First respondent/plaintiff filed I.A.No.721 of 2015 seeking permission to file a suit under the representative capacity under Or.1 R.8 CPC. The Court below, under the impugned order, allowed such application. Aggrieved, petitioner/first defendant has filed the present revision.

3. Heard learned counsel for petitioner and learned counsel for respondents.

4. The only ground canvassed by learned counsel for petitioner is that in filing the suit in representative capacity, the first respondent/plaintiff had not complied with Or.1 R.8 CPC. The defect in compliance with Or.1 R.8 CPC is a curable irregularity.

For the aforesaid reason, the Civil Revision Petition shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.08.2016

Index:yes/no
Internet:yes
gm

To

The I Additional District and Sessions Judge,
Coimbatore.

C.T.SELVAM, J

gm

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