

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P. (PD) No.2806 of 2018

S.Mukesh Kumar

...Petitioner

Vs

1. Gold Mine Jewels,
Partner. Mani, S/o.Arumugam,
Shop No.B-2&3, 1st Floor,
Kanadhenu Tower, Big Bazaar Street,
Town Hall, Coimbatore - 640001.
2. MRK Jewellers,
Prop., Gowtham Kothari, S/o.Nilash Kothari,
No.A-8, 1st Floor, Sakalajee Market,
Avenue Road, Opp to Daunman Jewellers,
Bangalore - 560002.
3. Sri Kandavel Jewellers,
Prop., Prakash, S/o.Murugan,
No.93, Easwaran Kovil Street,
Tirupur Bazaar, Near Poo Market Gold
Jeweller Showroom,
Tirupur - 641604.
4. A.Nataraj Chettiar Sons,
Prop., Vijaya Ragavan, S/O.Ganeshan,
No.1/1A, Universal Road, Tirupur - 641601.
5. Kanakalakshmi Diamonds,
Prop., Murali, S/o.Rajendran,
No.17-20, Oppanakara Street,
Coimbatore - 641001.

6. S.K.Jewellers,
Prop., Vinod, S/o.Kanagaraj,
No.154, NSC Bose Road, Sowcarpet,
George Town, Chennai - 600079.
7. Sri Sabari Jewellery,
Prop., S.Uma Maheswari, W/o.Kumar,
No.359, Jewel Manor, Raja Street,
Coimbatore - 641001.
8. Padmaraj Jewellers,
Prop., Ravikumar, S/o.Manoharan,
No.520, Vysial Street,
Coimbatore - 641001.
9. Lux Industries Pvt. Ltd.,
Prop., Naveen Kumar Todi, S/o.Rajkumar Todi,
No.11/5, Shastri Nagar, Kadhar Layout,
Angeripalayam Main Road, Tirupur - 641302.
10. Kumaran Chain Shop,
Prop., Dhandapani, S/o.Samy,
Raja Street, Town Hall,
Coimbatore - 641001.
11. Sri Balan Bullion,
Prop., Balan, S/o.Kasilingam,
No.557, G.M.Arcade, Big Bazaar Street,
Coimbatore - 641001.
12. Mumba Mills India,
Prop., Rajendar, S/o.Gnana Sekaran,
No.61, Eswaran Kovil Street, NMS Compound,
Erode.
13. Sudhir Foundation Private Benefit Fund,
Prop., Sudhir, S/o.Ranjith,
No.120, North Car Street, Sirbali,
Nagapattinam - 609110.
14. P. Sunil Kumar

15. Bafna Jewellers,
Prop., Jashwantraj Bafna, Prop., Vijay Shubham,
S/o. Rathanalal C Bafna,
Main Bazaar, Ooty.

16. Vijay Shree

17. Deepak

18. S.S. Jewellery,
Prop., Sharvan, S/o. Shivakumar,
Shop No.8/4, Thadagam Road,
TVS Nagar, Coimbatore - 641025.

19. M.R. Gold,
Prop., Kiran, S/o. Manoj Kumar,
No.1071, Big Bazaar Street,
Coimbatore - 641001.

20. Suresh

21. Santhosh

22. Balaji Babu

23. Manoharan

24. Mohan

25. Palanisamy

26. Selvaraj ... Respondents

PRAYER:- Civil Revision Petition filed under Section 227 of the Constitution of India to set-aside the Docket Order dated 02.04.2018 passed in unnumbered IP.No. of 2018 on the file of the learned I Additional Sub-ordinate Judge, Coimbatore.

For Petitioner

: Mr.R.Nalliyappan

ORDER

When the Insolvency Petition filed under Sections 10 & 13 of Provincial Insolvency Act, 1920 was returned by the Registry of the learned Sub-ordinate Judge, Coimbatore on 28.08.2018, the petitioner herein has re-presented the same by inserting certain fresh pleadings. Subsequently, by the docket order dated 02.04.2018, the Registry of the Court below had rejected the petition itself on the ground that such fresh pleadings are not permissible. As against the said docket order, the present revision has been filed.

2. It is seen that the Insolvency Petition is yet to be taken on file. Earlier, when the petition was presented in the month of March 2018, certain deficiencies were pointed out by the Registry. The petitioner herein had chosen to incorporate certain fresh pleadings by way of rectifying such defects and thereby re-presented the papers. There is no provision of law which curtails or prevents such fresh additions prior to the petition being taken on file. When the petition itself is yet to be numbered, there is no infirmity on the part of the petitioner to insert certain fresh pleadings in the petition. The Registry of the Court below may not be correct in observing that the petitioner cannot insert fresh pleadings and also that additional pleadings cannot be incorporated.

3. As such, there shall be a direction to the learned Additional Subordinate Judge, Coimbatore to instruct the Registry to take the Insolvency Petition filed by the petitioner herein and to number the same, if it is otherwise in order. Such an exercise shall be completed within a period of one week from the date of receipt of a copy of this order.

4. Accordingly, the Civil Revision Petition is allowed. No costs.

19.09.2018

Index:Yes/No
Internet: Yes/No
hvk

To
The Additional Subordinate Judge,
Coimbatore.

WEB COPY

M.S.RAMESH.J.,

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