

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12th DAY OF FEBRUARY, 2016

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

REVIEW PETITION NO.36 OF 2016

IN

WRIT PETITION NO.49432 OF 2015 (GM-CON)

Between:

Late Sri M S Narayana Murthy,
Aged about 77 years,
S/o Late Subraya Shetty,
Coffee and Share Broker,
"Ravichandra" Rathnagiri Road,
Chikmagalur – 577 101.

Since dead represented by
legal representatives.

1(a) Smt. M N Shailaja,
W/o Late Sri M N Narayana Murthy,
Aged 73 years,

1(b) Sri M N Ravishankar,
S/o Late Sri M N Narayana Murthy,
Aged 56 years,

1(c) Sri M N Chandranath,
S/o Late Sri M N Narayana Murthy,
Aged 53 years,

1(d) Sri M N Renuka,
D/o Late Sri M N Narayana Murthy,
W/o Sri C V Jayadeva,
Aged 52 years,

All residing at :
Ravichandra Rathnagiri Road,
Chikkmagalur : 577 101.

....Petitioner

(By Shri C N Kamath, Adv.)

And:

1. Sri Dr. M V Seetharam,
Aged about 77 years,
7th day school street,
Basavannahalli,
Chickmagalur : 577 101.

2. Canara Bank,
By its Manager,
Basavanahalli Branch,
Chikmagalur : 577 101.

...Respondents

(Notice to respondents is d/w)

This Review Petition is filed under Order 47 Rule 1 of CPC, praying this Hon'ble Court to review the order dated 08.12.2015 passed by this Hon'ble Court in WP No.49432/2015 (GM.CON) and etc.,

This Petition coming on for orders this day, the Court made the following:-

ORDER

For the reasons stated, IA 1/2016 is allowed.

The petitioner before this Court would submit that in terms of the order of this Court dated 08.12.2015 passed in W.P. No.49432/2015 the Consumer Forum was directed to address the question of maintainability of the complaint on a condition that the petitioner pay to the respondent No.1 a sum of Rs.34,000/- with interest as directed by the trial court on the next date of hearing.

It is the grievance of the petitioner that though this court has directed that the question of maintainability be addressed in the first instance and if there is a bar of limitation which also would fall within the scope of question of maintainability, the Consumer Forum is not inclined to address the question of limitation and therefore the petitioner is before this court for a specific direction. It is unnecessary to issue any specific direction. The order as it stands would squarely cover the bar of limitation as well.

Therefore, the Consumer Forum would have to address the question of limitation in the first instance. However, this shall be subject to the petitioner complying with the condition already imposed. In the light of the scope of the review petition, the notice to respondents is dispensed with as that would not be prejudice the respondents in any manner on the question of limitation. The Consumer Forum which is in any event required to address the question. Accordingly, the petition is admitted and summarily allowed.

A copy of this order to be issued to the petitioner forthwith.

**Sd/-
JUDGE**

ykl