



CPC O. 30 - Existence of the provisions of O. XXX in the Code does not mean that a
plaint filed in the name of a firm doing business outside India is not a suit in fact by
the partners of that firm individually

[PRINT / DOWNLOAD PDF](#)

A case of a partnership firm where this Court pointed out that Sec. 4 of the Partnership Act uses the term “firm” or the “firm name” as “a compendious description of all the partners collectively.” Speaking of the provisions of Order 30, Civil Procedure Code Court said (at p. 991 of SCR): (at p. 328 of AIR):

“The introduction of this provision in the Code was an enabling one which permitted partners constituting a firm to sue or be sued in the name of the firm. This enabling provision, however, accorded no such facility or privilege to partners constituting a firm doing business outside India. The existence of the provisions of O. XXX in the Code does not mean that a plaint filed in the name of a firm doing business outside India is not a suit in fact by the partners of that firm individually.”

Purushottam Umedbhai and Co. v. Manilal and Sons, (1961) 1 SCR 982:(AIR 1961 SC 325)

Tags: [CPC](#), [CPC O. 30](#), [FIR](#), [Partnership](#)