



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

COMPANY APPLICATION NO. 72 OF 2026

IN

COMPANY PETITION NO.47 OF 1988

BETWEEN:

M V GANESH PRASAD,
AGED ABOUT 70 YEARS,
RESIDING AT SRI SHIVASHAKTHI NILAYA,
TILAK PARK ROAD, VIJAYAPURA EXTENSION,
CHIKMAGALUR-577101.

...APPLICANT

(BY SRI M V GANESH PRASAD, (P.I.P) FOR APPLICANT)

AND:

1. M/S GANESHA AND CO.
LALITHA PRASADAM,
HOSAMANE EXTENSION,
CHIKMAGALUR-577101.
2. SRI. M.L. VASUDEVA MURTHY,
SINCE DEAD BY LR
- 2(a) M.V. CHANDRASHEKHAR,
AGED ABOUT 85 YEARS,
RESIDING AT NO. 26/27, SHUBAM DREAMS
(SIRIDHAM), 3RD CROSS, 7TH BLOCK (WEST),
K R ROAD, JAYANAGAR, BANGALORE-560070.
3. SMT A.R KAMALA,
W/O A.R. RAMASETTY,
AGED ABOUT 87 YEARS,
RESIDING AT NO 425, SRI KAMAL, OPP.

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA



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SEETHARAMA KALYANA MANTAPA, DEVAMBA
AGRAHARA, K.R.MOHALLA, MYSORE- 570004.

4. T.R SATHYALAKSHMI,
W/O T.R. RAMAPRASAD,
AGED ABOUT 79 YEARS,
RESIDENT OF 115/1, SHARADAPRASAD,
BULL TEMPLE ROAD, NAGARAJA LAYOUT,
CHAMARAJPET, BANGALORE-560018.
5. B.N.GAYATHRI,
W/O B.N NATARAJ,
AGED ABOUT 77 YEARS,
RESIDENT AT NO. 01, MAHALAKSHMI NIVAS,
SHALIVANA ROAD, NAZARABAD,
MYSORE-570010.
6. A.P RUKMINI,
W/O A.PARANJOTHI,
AGED ABOUT 75 YEARS,
RESIDENT OF NO. 345, 1ST FLOOR,
1ST B MAIN, 7TH BLOCK, JAYANAGAR
BANGALORE-560070.
7. SMT. V GIRIJA,
W/O V.SRINIVASAN,
AGED ABOUT NO. 12,
RAJARAJESHWARI KRUPA, 33RD CROSS,
11TH MAIN ROAD, 4TH 'T' BLOCK,
JAYANAGAR, BANGALORE- 560011.

...RESPONDENTS

(BY SRI G MANIVANNAN, ADVOCATE FOR R-2(A) & R5 TO R7)

THIS COMPANY APPLICATION IS FILED UNDER RULE 6 AND 9 OF THE COMPANIES (COURT) RULES, 1959 READ WITH SECTION 151, 152 AND 153 OF CPC PRAYING THIS HON'BLE COURT TO RECALL THE ORDER PASSED ON COMPANY APPLICATION 244/09 DATED 04.06.2009 UNDER COMPANIES RULES UNDER 6 AND 9 OF THE COMPANIES (COURT) RULES,



1959 READ WITH SECTION 22 RULE 4 OF CPC FOR THE REASON STATED IN ANNEXED AFFIDAVIT IN ORDER TO MEET THE ENDS OF JUSTICES.

THIS APPLICATION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

The application at C.A.No.72/2026 is filed to recall the order dated 04.06.2009. On an application filed by the applicant in CA No.244/2009, it is noticed that on 15.04.2011 the applications filed by the applicant in CA Nos.242/2009, 243/2009 and 244/2009 are allowed. The delay in filing the application to substitute the legal representative of deceased respondent No.2 is condoned. Abatement is set aside and proposed legal representative of deceased respondent No.2 is allowed to come on record.

2. Learned applicant submits that, the order dated 04.06.2009 issuing notice to the proposed legal representative is illegal. The applicant submits that application to substitute the legal representative of deceased respondent No.2 is filed inadvertently without noticing the provisions of The Indian



Partnership Act, 1932. It is his submission that application need not be filed in case one of the partners dies and Clause 5 of the partnership deed would indicate that even after the death of one of the partners, the partnership would continue and remaining partners are already on record and there is no need to substitute the legal representative of deceased respondent No.2 who is one of the partners.

3. Learned counsel appearing for respondent No.2(a) would oppose the application on the premise that he has already come on record pursuant to the order passed by this Court in the year 2011 and it is too late to recall the order.

4. The party-in-person would also submit that, the Division Bench of this Court in terms of orders dated 30.07.2009 and 30.03.2012 has rejected the application filed by respondent No.2(a) upon the death of respondent No.2 to come on record to contest the matter.

5. The Court has considered the contentions raised at the Bar and perused the records.



6. The party-in-person has also produced the order dated 28.02.1997 in O.S.A. No.42/1995.

7. The Court has also perused the partnership deed. The partnership deed provides that, the partnership will continue despite the death of one of the partners. However, the partnership deed is silent as to what will happen to the share of the deceased partner.

8. Respondent No.2(a) is admittedly Clause-I heir of deceased partner and he is now brought on record. The remaining partners are also before this Court and they are not objecting to respondent No.2(a) to come on record as the legal representative of the deceased partner. The law relating to succession does operate notwithstanding the partnership deed produced by the applicant.

9. The contention that Hindu Succession Act, 1956 does not apply in such situation cannot be accepted. However, it is required to be noticed that respondent No.2(a) who is now allowed to come on record as the legal representative of the deceased partner is bound by the liability of the deceased



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partner. To that extent the applicant's apprehension is taken care of.

10. Accordingly, the C.A.No.72/2026 is ***rejected***.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

GVP