

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT APPEAL No. 186 OF 2015
AND
WRIT PETITION No.39138 of 2014

DATE: 13.03.2015

W.A.No.186 of 2015

Between:

M/s. Greenwood Estates
Secunderabad.

... Appellant

And

State of Telangana, rep., by its Secretary,
Revenue, Hyderabad & another.

... Respondents

This Court made the following:

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR
-
WRIT APPEAL No. 186 of 2015
AND
WRIT PETITION No.39138 of 2014

-
COMMON ORDER: (Per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

The writ petition should not have been entertained by the learned Single Judge, as we notice that the writ petitioner was described as a partnership firm, whether registered or not, and we do not find any mention in the body of the writ petition or in the cause title to that effect.

Under Section 69(2) of the Indian Partnership Act, 1932 an unregistered firm cannot sue or be sued. Hence, the writ petition is dismissed. Consequently, the writ appeal is also dismissed. However, it would be open for the writ petitioner/appellant to initiate fresh action in accordance with law as may be permitted.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

K.J. SENGUPTA, CJ

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SANJAY KUMAR, J

Date: 13.03.2015

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